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V.15

THURSDAY, SEPTEMBER 2, 1779

A letter, of 21 August, from Major General Gates, was read:

Ordered, That the same be referred to the Board of War.

A petition of Benjamin Pollard, was read:

Ordered, That it be referred to the Board of Treasury.

The Committee on the Treasury, to whom was referred the Petition of Benjamin Pollard, of the State of Virginia, setting forth that in the month of May last, when the Enemy invaded the said State, they took or destroyed sundry Loan office certificates, as appears by the depositions accompanying the said Petition, which were the property of him, the said Benjamin Pollard; and praying the interposition of Congress for relief. Having considered the same beg leave to submit the following resolution:

Resolved, That the Commissioners of the different Loan offices be instructed, that when any person shall make oath of his having lost, or had stolen from him, Continental Certificates, and prays for a stoppage of payment of the said certificates, that the respective Commissioners do accordingly retain such certificates and give information thereof to the Persons applying in the manner aforesaid.[1]

A letter, of this day, from M[athew] Irwin, T[homas] Irwin, B[enjamin G.] Eyre, and J[oseph] Cowperthwaite, was read:[2]

Ordered, That it be referred to the Marine Committee, and that they take order thereon.

A letter, of 1, from Mr. Penet, was read:

Ordered, That it be referred to the Committee of Commerce.

Congress proceeded in reading Mr. A. Lee's letter, of 20 April, when

[1] This report is in the *Papers of the Continental Congress*, No. 42, VI, folio 228.

[2] Pollard's petition is in the *Papers of the Continental Congress*, No. 42, VI, folio 226; the Irwin letter is in No. 78, XIII, folio 109.

982

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A motion was made by Mr. [William] Paca, seconded by Mr. [John] Fell, that the farther reading be postponed; on which the yeas and nays being required by Mr. [John] Jay,

New Hampshire,			*Delaware,*		
Mr. Whipple,	ay	div.	Mr. Dickinson,	no	no
Peabody,	no		McKean,	no	
Massachusetts Bay,			*Maryland,*		
Mr. Gerry,	ay	ay	Mr. Paca,	ay	div.
Partridge,	ay		Forbes,	no	
Rhode Island,			*Virginia,*		
Mr. Marchant,	no	div.	Mr. Smith,	no	no
Collins,	ay		Griffin,	ay	
Connecticut,			Fleming,	no	
Mr. Huntington,	no	ay	*North Carolina,*		
Root,	ay		Mr. Hewes,	no	*
Spencer,	ay		*South Carolina,*		
New York,			Mr. Laurens,	no	div.
Mr. Jay,	no	no	Mathews,	ay	
Lewis,	no				
New Jersey,					
Mr. Scudder,	no	no			
Fell,	ay				
Houston,	no				
Pennsylvania,					
Mr. Armstrong,	no	div.			
Shippen,	no				
Searle,	ay				
Wynkoop,	ay				

So it passed in the negative.

Congress proceeded and finished Mr. A. Lee's letter, of 20th April. Also another letter, of 25 February last, from A. Lee, Esq. and a paper unsigned, which came under the same cover with Mr. A. Lee's other letters, were read:

A letter, of 24 August, from General Washington, with sundry papers enclosed was read:[1]

[1] This letter is in the *Papers of the Continental Congress,* No. 152, VII, folio 677.

Ordered, That it be referred to the committee for superintending the departments of the quarter master and commissary general.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of the Board of War, on their application, for three hundred thousand dollars, for the purchase of military stores, and for contingencies; for which sum the said Board is to be accountable.

That a warrant issue on the treasurer, in favour of the Board of War, for one million of dollars, on their application, to enable them to purchase cloathing for the army; for which sum the said Board of War is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. J[esse] Root, one of the delegates of the State of Connecticut, on his application, for two thousand dollars; for which the said State is to be accountable.[1]

The Committee on the Treasury, to whom was referred the petition of the Rev. Mr. Lotbinier, brought in a report; Whereupon,

Resolved, That until the further order of Congress the Rev. Mr. Lotbinier be allowed 200 dollars per month for subsistance.[2]

The Marine Committee laid before Congress the proceedings of a court martial on the trial of John Emmes, late a pilot of the ship *Champion*, for desertion:

On motion of Mr. [John] Mathews, seconded by Mr. [Samuel] Holten,

[1] This report, dated September 1, is in the *Papers of the Continental Congress*, No. 136, III, folio 599.

[2] This was a paragraph of the report of September 1, noted above. The petition was read on August 30, and is in the *Papers of the Continental Congress*, No. 78, XIV, folio 279.

Resolved, That the execution of the sentence of the said court martial be suspended until Saturday sennight.

Adjourned to 10 oClock to Morrow.

FRIDAY, SEPTEMBER 3, 1779

Mr. Woodbury Langdon, a delegate from the State of New Hampshire, attended, and took his seat in Congress.

Ordered, That so much of General Washington's letter, of 24 August, as relates to the exchange of prisoners and cloathing for the army, be referred to the Board of War.

A letter, of 19 August, from General Washington, and one, of the 2d instant, from Colonel Charles Simms, were read: [1]

Ordered, That they be referred to a committee of three:

The members chosen, Mr. [John] Mathews, Mr. [Henry] Marchant, and Mr. [John] Armstrong.

A letter, of 2d, from the hon^ble^ Sr. Gérard, was read, soliciting leave for Mr. Witherspoon, a surgeon in the service of the United States to go to France:

Ordered, That it be referred to the Medical Committee.

Resolved, That two members be added to the said committee.

The members chosen, Mr. [Nathaniel] Peabody, and Mr. [Frederick A.] Muhlenberg.

The hon^ble^ S^r^ Gérard, minister plenipotentiary of France, having communicated to Congress a copy of the speech with which he means to take leave of Congress:

Ordered, That it be referred to a committee of three to prepare an answer:

The members chosen, Mr. [John] Dickinson, Mr. [William] Paca, and Mr. [Henry] Laurens.

[1] This letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 595; that of Simms, in No. 78, XX, folio 459.

On motion of Mr. [Nathaniel] Scudder, seconded by Mr. [William] Paca, Congress came to the following resolution:

Whereas the hon^ble^ S^r^. Gérard, the first minister plenipotentiary to these United States, hath before, as well as since their treaty with France, uniformly, ably and zealously promoted the objects of the alliance and the welfare of both nations:

Resolved, That the committee do request Mr. Gérard to sit for his picture before he leaves this city, and that the same be placed in the council chamber of the United States.

Congress proceeded to consider the second clause of the resolution moved the 1st instant, and the same being set aside; in lieu thereof,

On motion of Mr. [Henry] Laurens, seconded by Mr. [Elbridge] Gerry,

Congress came to the following resolution:

And whereas the sum emitted by Congress and now in circulation, amounts to 159,948,880 dollars, and the sum of 40,051,120 dollars remains to complete the two hundred million dollars above mentioned:

Resolved, That Congress will emit such part only of the said sum of forty millions fifty one thousand one hundred and twenty dollars, as shall be absolutely necessary for public exigencies before adequate supplies can be otherwise obtained, relying for such supplies on the exertions of the several states.

Resolved, That the consideration of the preamble first moved be postponed.

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [John] Dickinson,

Resolved, That a committee of five be appointed to devise and report without delay further ways and means of supplying the treasury, and prepare an address to the several states

on the subject of the several resolutions of Congress relative to finance:

The members chosen, Mr. [Henry] Laurens, Mr. [Elbridge] Gerry, Mr. [Samuel] Huntington, Mr. [John] Dickinson and Mr. [Meriwether] Smith.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, SEPTEMBER 4, 1779

Congress being informed that Mr. W[illiam] H[enry] Drayton, one of the delegates for the State of South Carolina, died last night, and that circumstances required that his remains be interred this evening:

Resolved, That Congress will, in a body, attend the funeral this evening, at six o'clock, as mourners, with a crape round the left arm, and will continue in mourning for the space of one month.

Resolved, That Mr. [Henry] Laurens, Mr. [John] Mathews, and Mr. [Cornelius] Harnett, be a committee to superintend the funeral; and that the Rev. Mr. White, the attending chaplain, be notified to officiate on the occasion:

That the said committee be directed to invite the general assembly and the president and supreme executive council of Pensylvania, the Minister Plenipotentiary of France, and other persons of distinction now in town, to attend the funeral.

The Board of War, to whom was referred the letter of Major General Gates, report, that they have conversed with the gentleman stiling himself le Baron de Benyowsky, mentioned in General Gates's letter; that they know nothing from any testimonials he produces except his having a letter directed to General Pulaski, who he says is his half brother, and to whom he now desires only the means of going; Whereupon,

It should seem that if he was an Impostor, he would not wish to go where he can be so easily detected. We leave the determination, as it is our duty, to Congress, and if they are satisfied on the subject, we take the liberty of reporting:

Resolved, That Mons. le Baron de Benyowsky be supplied with an horse and one thousand dollars, to enable him to proceed to General Pulaski, now with the southern army.[1]

A letter, of this day, from Lieutenant Colonel Knobelauch, was read:[2]

Ordered, That the same be referred to a committee of three:

The members chosen, Mr. [Frederick A.] Muhlenberg, Mr. [Henry] Marchant, and Mr. [Meriwether] Smith.

A letter, of this day, from S. Deane, was read.

Ordered, That copies of the resolutions of Congress relative to the capture of the snow *Nostra Senhora del Carmel et St. Antonio*, Captain Duarti, be sent by the Committee for Foreign Affairs by different conveyances, to the Minister Plenipotentiary of the United States at the court of France, to be by him communicated to the court of Lisbon.

The committee, to whom was referred the letter from William Bingham, Esq. dated July the 6, 1779, report,

That the two cases mentioned in the said letter appear as follows:

First. Elisha Gaine, a native and citizen of the State of Connecticut, on the fifth day of October last, sailed from Matchepungo inlet in the State of Virginia, as master of the sloop *Kitty*, belonging to Mess. Edward Custis, Isaac and Thoroughgood Smith & Co. inhabitants and citizens of Virginia, aforesaid; The sloop was cleared out for St Domingo, but the owners ordered him to proceed to Bermuda to procure a load of salt. A master and part of a crew embarked

[1] This report, dated September 3, is in the *Papers of the Continental Congress*, No. 147, II, folio 441.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XIII, folio 541.

on board the said sloop for Bermuda, to take charge of a vessel which his owners had built there. Bad weather and contrary winds induced him to bear away for St. Eustatia, and in that course, on the 22d day of November, he fell in with an armed sloop of eight guns which gave him chase under English colours, and which he believed to be a British privateer. This induced him to throw over board a letter he had from his owners directed to a merchant in Bermuda, which he had orders to do, if closely pursued: When the privateer came up with him, she fired under French colours, upon which he immediately hove to, thinking her to belong to subjects of his most Christian Majesty. He was brought on board the privateer with his mate, a mariner and a passenger,[1] and carried to Basse terre in Guadaloupe; and there he and all his crew were thrown into goal, kept in the closest confinement, and his sloop was tried and condemned as lawful prize in the court of admiralty, and the vessel and cargo sold for the benefit of the captors.[2]

William Bingham, Esq. agent for the United States at Martinique, complained of this proceeding to the Count D'Arbaud, governor general of Basse terre, Guadaloupe, in a letter, dated, 8 December, 1778. The Governor in his answer, of the 18 of the same month, justifies the sentence of the court of admiralty, and alledges that the reasons on which the same was grounded, to wit, the throwing papers over board and having two blank passports, were sufficient.

Secondly. Mr. Benjamin Putnam, a native and citizen of the State of Massachusetts bay, embarked on board an American privateer, which was captured by the enemy and carried into Antigua, where he and the rest of the crew were

[1] The original report continued: "where they were treated with great indignity and pillaged of all their money and wearing apparel."

[2] The original report contained the following: "He signed several papers in the French language, which he did not understand, being terrified thereto (as he alledges on oath) by threats of imprisonment, not knowing what he signed."

confined as prisoners of war. He made his escape from prison, and lay some time concealed in the town of St. John's, and at length, cut a sloop out of the harbour and in her arrived, with another American prisoner and thirteen negroes and sundry articles of cargo, at Point à Petre, Guadaloupe. A few days after his arrival there, the Governor of Antigua sent a flag of truce to reclaim the vessel, negroes, &c. in virtue of an agreement entered into between some of the French and British governors of the West India islands, stipulating that no privateer or armed vessel belonging to either government, committed to their care, should make any incursion or descent for the purposes of robbing, burning, plundering, or carrying off negro slaves, or other property, on pain that such vessel should have her commission vacated, the plundered effects restored and the penalty bond prosecuted. The Count d'Arbaud accordingly restored the prize and confined Mr. Putnam in close prison two weeks; but afterwards, upon the remonstrance of William Bingham, Esq. he sent Mr. Putnam and three of the negroes to him at Martinique. It appears that Mr. Putnam has addressed the Count d'Estaing on this transaction, who, in a letter to Mr. Putnam, dated on board the *Languedoc*, June 8, 1779, politely promises him that if he will solicit the King for restitution, he the Count will with great pleasure join in endeavouring to obtain it.

Upon the first case, as above stated, the committee are of opinion, that by a resolve of Congress the subjects of any of the United States have a right to trade with the inhabitants of Bermuda, and that by throwing any paper overboard, other than passports, bills of lading, invoices or other ship's papers, no forfeiture of vessel or cargo can legally ensue; and upon the whole, that there appears to them no sufficient grounds for the condemnation of the sloop *Kitty* and her cargo in the court of admiralty of Guadaloupe.

Upon the second case, as above stated, the committee are of opinion "that by the resolves of Congress, and the law of nations, Benjamin Putnam and the other persons, who cut the vessel out of the harbour of St Johns in Antigua, and carried her and the negro slaves on board to Basse terre in Guadaloupe, had a right to them, and that no agreement between the governors of the French and British islands in such case as this could affect any other persons than the subjects of the contracting parties; which will appear evidently to be the meaning of the recited agreement itself, which is restrained to vessels belonging to either government committed to their care, and the penalty is the having their commissions vacated, the plundered effects restored and the penalty bond prosecuted, which is totally inapplicable to Americans or persons not belonging to their governments, and who had not obtained commissions from them or under their respective sovereigns; and of course that the releasing of this vessel and the negroes by the governor of Guadaloupe, and causing them to be delivered up to the governor of Antigua, was unwarrantable and inconsistent with treaties subsisting between his most Christian Majesty and these United States;" Whereupon,

Resolved, That a representation of the before mentioned cases be made to the Minister Plenipotentiary of his most Christian Majesty to these states, in order that redress and restitution may be made to the parties aggrieved, in such manner as may be consistent with justice and the laws of Nations.[1]

The committee to whom were referred letters from General Washington and Colonel Simms, brought in a report; Whereupon,

[1] The last paragraph is a substitute, in the writing of John Jay, the original deferring the question entirely to the "wisdom and justice" of the King. The report, in the writing of Thomas McKean, is in the *Papers of the Continental Congress*, No. 19, I, folio 341.

Resolved, That leave of absence from his regiment be given to Lieutenant Colonel Simms till the 20th day of November next:

That copies of his applications to Congress and General Washington's letter, be transmitted to the governor of the State of Virginia, and that it be signified to him, that as Lieutenant Colonel Simms's application has been complied with at a time when his absence is with the greatest reluctance dispensed with, it is the wish of Congress that he may be enabled to rejoin his regiment as speedily as possible; and that such measures may be taken respecting claims similar to that of Lieutenant Colonel Simms, as may prevent other officers of the Virginia line making application for the like indulgence of absence, which must in the midst of a campaign, be utterly inadmissible; and that a copy of this resolution be transmitted to the Governor of Virginia.[1]

The Committee on the Treasury brought in a report; Whereupon,

TREASURY OFFICE, *August 28th, 1779.*

A Letter, of the 26th instant, from James Wilkinson, Esqr, Clothier General, referred to the Board of War for their opinion and a Return from the said Board being read:

Ordered, That a warrant issue on the treasurer, in favour of James Wilkinson, Esq. cloathier general, for twenty thousand dollars, to enable him to defray the contingent expences of the department; for which the said J. Wilkinson is to be accountable.[2]

That a warrant issue on the treasurer, in favour of Resolve Smith, Esq. one of the commissioners of accounts at the Treasury, on his application, for three thousand dollars; for which he is to be accountable.

[1] This report is in the *Papers of the Continental Congress*, No. 19, V, folio 331.

[2] This report, dated August 28, is in the *Papers of the Continental Congress*, No. 136, III, folio 591.

That a warrant issue on the treasurer, in favour of Cornelius Comegys, one of the clerks in the chamber of accounts, on his application, for fifteen hundred dollars; for which he is to be accountable.[1]

That a warrant issue on the treasurer, in favour of Jeremiah Wadsworth, Esq. commissary general of purchases, on the application of Chaloner and White, his agents, for five millions six hundred thousand dollars, for the use of his department; for which sum the said commissary general is to be accountable.[2]

That a warrant issue on the treasurer, in favour of Mr. H[enry] Marchant, one of the delegates for the State of Rhode Island, on his application, for three thousand dollars; for which the said State is to be accountable.[3]

TREASURY OFFICE, *August 30th, 1779.*

The Committee on the Treasury, having taken into consideration an Estimate of the monthly pay and subsistence of the Army of the United States, calculated by Wm Palfrey Esqr, Pay Master General, for 35.000 Privates, and a full complement of Commissioned and non-commissioned Officers in order to enable them to report precisely a warrant for the payment of the army, agreeable to an act of Congress of the 18th instant: but the Committee, observing that there is no provision made in the said Act for the subsistence of the Cornets of Horse in the service of the United States, beg leave to offer the following resolution

Resolved, That until the further order of Congress, every cornet of horse be entitled to receive monthly for his subsistence, 100 dollars, to commence agreeable to an act of Congress of the 18th of August last.[4]

The commissioners of claims report,

[1] This report, dated September 4, is in the *Papers of the Continental Congress*, No. 136, III, folio 611.

[2] This report, dated September 2, is in the *Papers of the Continental Congress*, No. 136, III, folio 603.

[3] This report, dated September 3, is in the *Papers of the Continental Congress*, No. 136, III, folio 607.

[4] This report is in the *Papers of the Continental Congress*, No. 136, III, folio 595.

That they have examined the accounts of the late Moses Emmerson, Esq. one of the commissioners of accounts, deceased, for sundry travelling expences, from Hartford in Connecticut, to this city, in pursuance of an order of Congress for the removal of the books and papers of their office, and for his pay as commissioner, from the 4th January, to the 14th May last, and find there is due to his estate, a ballance of seventy eight dollars and 81/90.

That there is due to John Fromberger, his account for maps of Nova Scotia &c. supplied Congress, one hundred and seventy three dollars and 30/90.

That there is due to William Trickett, for stationary supplied the treasury and the pay master general's office, the sum of nine hundred and ten dollars and 30/90.[1]

Ordered, That the said accounts be paid.

There being a vacancy of one commissioner for the Board of War and Ordnance, the following gentlemen were nominated to supply that vacancy:

~~Major General Arnold by Mr. Jay,~~

Colonel Stone by Mr. [James] Forbes,

Brigadier General Weedon, by Mr. [Henry] Laurens,

On motion of Mr. [Henry] Laurens, seconded by Mr. [Samuel] Holten,

Resolved, That so much of the resolutions respecting the establishment of a Board of Treasury as relates to the annual election of the officers, be referred to a committee of three: and that they be directed to report the salaries of the said officers:

The members chosen, Mr. [Henry] Laurens, Mr. [Elbridge] Gerry, and Mr. [Joseph] Hewes.

Ordered, That Tuesday next be assigned for the consideration of the report of the committee on the letters from A.

[1] This report, dated August 27, is in the *Papers of the Continental Congress*, No. 136, III, folio 589.

Lee, Esq. and the communications of the Minister Plenipotentiary of France.

Adjourned to 10 o'Clock on Monday.[1]

MONDAY, SEPTEMBER 6, 1779

A letter, of this day, from James Wilson and William Lewis, Esquires, attornies at law, in behalf of the claimants of the sloop *Active*, was read:[2]

Ordered, That the consideration thereof be postponed until the 15 September instant.

A memorial of John Wharton, James Read and William Winder, Junior, commissioners of the navy board in the middle department, was read:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [William] Whipple, Mr. [Joseph] Hewes, and Mr. [James] Forbes.

Colonel Samuel Atlee was nominated by Mr. [John] Armstrong, to supply the vacancy at the Board of War.

A letter, of 31 August, from General Washington, was read, enclosing a letter of the same day from him to Colonel Bland, countermanding conformably to the resolution of 21st of that month, his former orders on the subject of officers of the convention troops going into Canada; Whereupon,[3]

A motion was made by Mr. [Henry] Marchant, seconded by Mr. [William] Carmichael, in the following words:

Whereas the direction of General Washington to Colonel Bland, permitting two officers of the convention troops to go into Canada by the way of New York, obviates the reasons

[1] A letter of Washington, dated August 29, is endorsed as read this day, and is in the *Papers of the Continental Congress*, No. 152, VII, folio 691.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 83.

[3] The letters of Washington are in the *Papers of the Continental Congress*, No. 152, VII, folios 713 and 719.

which occasioned the resolution of Congress, of the 21 August last,

Resolved, That the letter from General Washington, of the 31 August last to Colonel Bland, be detained and that Congress approve of the orders intended to be countermanded by it.

When the question was about to be put, the previous question was moved by Mr. [John] Mathews, seconded by Mr. [Henry] Laurens; on which the yeas and nays being required by Mr. [John] Jay,

New Hampshire,			*Delaware*,		
Mr. Peabody,	ay	ay	Mr. Dickinson,	ay	ay
Langdon,	ay		*Maryland*,		
Rhode Island,			Mr. Paca,	ay	
Mr. Marchant	no	no	Carmichael,	no	no
Collins,	no		Forbes,	no	
Connecticut,			*Virginia*,		
Mr. Huntington,	ay		Mr. Smith,	no	
Root,	ay	ay	Griffin,	ay	no
Spencer,	ay		Fleming,	no	
New York,			*North Carolina*,		
Mr. Jay,	no	no	Mr. Harnett,	no	no
Lewis,	no		Sharpe,	no	
New Jersey,			*South Carolina*,		
Mr. Scudder,	ay		Mr. Laurens,	ay	ay
Fell,	ay	ay	Mathews,	ay	
Houston,	ay				
Pennsylvania,					
Mr. Armstrong,	no	div.			
Muhlenberg,	ay				

So the states were equally divided, and the question lost.

On the main question, the yeas and nays being required by Mr. [John] Jay,

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New Hampshire,			*Pennsylvania,*		
Mr. Peabody,	no	no	Mr. Armstrong,	ay	div.
Langdon,	no		Muhlenberg,	no	
Rhode Island,			*Delaware,*		
Mr. Marchant,	ay	ay	Mr. Dickinson,	no	no
Collins,	ay		*Maryland,*		
Connecticut,			Mr. Carmichael,	ay	ay
Mr. Huntington,	no	no	Forbes,	ay	
Root,	ay		*Virginia,*		
Spencer,	no		Mr. Smith,	ay	*
New York,			*North Carolina,*		
Mr. Jay,	ay	ay	Mr. Harnett,	ay	ay
Lewis,	ay		Sharpe,	ay	
New Jersey,			*South Carolina,*		
Mr. Scudder,	ay	no	Mr. Laurens,	no	no
Fell,	no		Mathews,	no	
Houston,	no				

So it passed in the negative.

A letter, of 30th August, from D[aniel] Putnam, was read, with sundry papers enclosed:

Ordered, That the same be referred to the Board of War.

A letter, of the 4th, from Lieutenant Colonel [John] Ternant, was read:[1]

Ordered, That it be referred to the Board of Treasury.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. [Joseph] Hewes, one of the delegates for the State of North Carolina, on his application, for five thousand dollars; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Robert Troup, secretary to the Board of Treasury, on his application, for two thousand dollars; for which he is to be accountable.[2]

[1] The Putnam letter is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 235; that of Ternant, in No. 78, XXII, folio 641.

[2] This report, dated September 6, is in the *Papers of the Continental Congress*, No. 136, III, folio 615.

A report from the commissioners of claims at the Treasury on the accounts of John Baynton, pay master in the western district, was read:

Ordered, That it be re-committed.

The committee on the quarter master and commissary general's department laid before Congress a letter of 30 August from Jeremiah Wadsworth, commissary general of purchases, which was read:

Ordered, That it be referred to the Marine Committee; and that they be directed to take the proper steps for obtaining a division of the prize goods lately captured by continental vessels, and cause such of the articles as they judge proper to be retained for the future order of Congress.

A letter, of 4, from the Board of War, was read, enclosing an extract of a letter from General Washington, of 27 August:

SIR: The Board are unable to judge whether or not it is expedient to detain the Generals Phillips and Riedhesel on account of the debts due from the convention troops and therefore beg leave to report:

That the part of General Washington's letter of the 27th ulto., relative to the proposed parole exchanges of the Generals Phillips and Riedhesel, be referred to the Treasury Board.

An extract of that part of his Excellency's is inclosed.[1]

Ordered, That the same be referred to the Board of Treasury.

A report from the Board of War was read; Whereupon,

Resolved, That the quarter master general be directed to erect barracks, at the expence of the United States, for quartering the troops in the State of Rhode Island:

That the said barracks be of such dimensions and situated in such place as General Gates, or other officer commanding the troops in that State for the time being, shall approve of.

The Board of War, to whom was referred the letter, of 24 August last, from the president of the State of Pennsylvania, report,

[1] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 447. The extract is on folio 451.

That they find it impracticable, without taking them from the supplies provided for the army which are yet vastly deficient, to furnish the blankets requested for the ranging companies raised in this State ~~and that every blanket given to them will oblige one of the soldiers in the army to go without one~~.

We therefore cannot without the express direction of Congress agree to supply them. But we take the liberty of reporting that,

It be recommended to the supreme Executive Council of the State of Pennsylvania to provide blankets for the ranging companies raised for the defence of the frontiers of that State and charge the expense of procuring such blankets to the United States.[1]

The committee appointed to prepare an answer to the speech of the hon^ble^ Sr. Gérard, minister plenipotentiary of France, brought in a draught, which was read:

The committee, to whom was referred the memorial of the officers and citizens, prisoners on Long Island, brought in a report; which was read.

Your Committee to whom was referred the Memorial of the American Officers and Citizens, Prisoners on Long Island, in behalf of said Citizens, report,

That in the opinion of this Committee the Enemy have no right by the law of Nations to Captivate and hold the Citizens of these States, not taken in Arms, as prisoners of war: wherefore your Committee recommend the following Resolution as the most proper Expedient for their comfort and relief, viz.

Resolved, That it be recommended to the Respective States whose Citizens have been taken by the Enemy, not in arms and are now held by them as prisoners of war, or may be hereafter so taken and held, to make such provision for their Relief and comfortable subsistance as they shall judge necessary and Expedient, and to keep an Account of such Expenditures [in order that the same may be adjusted and paid at the final settlement of accounts with the enemy respecting prisoners.][2]

[1] This report, dated September 2, is in the *Papers of the Continental Congress*, No. 147, II, folio 439.

[2] This report, in the writing of Samuel Huntington (the words in brackets being by Thomas McKean), is in the *Papers of the Continental Congress*, No. 28, folio 55.

The Board of War, to whom was referred the letter of the 5th from General Washington, relative to the arrangement of the Massachusetts line of officers, brought in a report; Whereupon,

WAR OFFICE, *September 4, 1779.*

The Board having considered General Washington's letter of the 5th ult°, referred to them by Congress, relative to the arrangement of the Massachusets line of officers, beg leave to observe, That the arrangement of Officers in every other line serving in the Northern States has been made upon the same principles, and by the same authority, as that of the Massachusetts line now presented; that the final settlement of it was postponed merely from the numerous embarrassments attending it: that if the present arrangement be set aside and the making a new one referred to the State, the whole affair must be again involved in confusion, and occasion infinite delays and discontents; not to remark, that in case of disputes (and those now settled will of course all be revived) they must be adjusted by the same rules, and by the same modes as have been pursued by the Commander in Chief in fixing *that* he has transmitted: that the Officers of the Massachusetts line expect the *present* will be a final settlement of the ranks they are now entitled to; having giving in their returns and claims under the same orders, and to be determined by the same rules, with the ranks of officers of those States whose arrangements were fixed before the 28th of June last. The Board are also humbly of opinion that Congress by the Resolution of that date, did not intend to control the primary arrangements to be made pursuant to the acts of May 27, 1778, and November 24, 1778, and other subsequent acts directing the arrangements to be made agreeably to the rules established in the Acts of May 27th and November 24th. We therefore beg leave to report:

Resolved, That the arrangement of the officers in the Massachusetts line, as now fixed by the Commander in Chief, be confirmed, and their commissions issued accordingly.[1]

Adjourned to 10 oClock to Morrow.

[1] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 443.

TUESDAY, SEPTEMBER 7, 1779

The President laid before Congress a paper of intelligence which he received from the hon^ble^ Sr. Gérard, minister plenipotentiary of France, which was read:[1]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [William Churchill] Houston, Mr. [John] Mathews, and Mr. [Samuel] Huntington.

~~Ordered, That a copy of the intelligence be transmitted to General Washington.~~

Ordered, That for the present the said intelligence be kept secret.

A letter, of 3, from H[enry] Roberts; and one, of 30 August last, from Major General Greene, Q. M. G. were read, the latter enclosing a memorial from the officers of the companies of artificers:[2]

Ordered, That the same be referred to the Board of War.

A letter of Mr. Neufville and Son, of Amsterdam, dated June 30, 1779, was read:

Ordered, That it be referred to the Committee of Commerce.

A letter from Colonel Broadhead to the Board of War was read, enclosing a copy of a treaty entered into between the said Colonel Broadhead and the chiefs of the Cherokees, and some other papers.

Ordered, That the same be referred to the Board of War.

A report from the Board of Treasury, was read:

TREASURY OFFICE, *August 24^th^, 1779.*

The Committee on the Treasury, having taken into consideration a letter from General Washington of the 17^th^ instant, referred to them by Congress, beg leave to report the following Resolution:

Resolved, That a warrant issue on the Treasurer in favor of the Honble the Board of War for ———— Dollars, to enable them to

[1] This paper is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 310.

[2] Roberts's letter is in the *Papers of the Continental Congress*, No. 78, XIX, folio 299; that of Greene, in No. 155, I, folio 159; the memorial is on folio 167.

defray from time to time such extra expenses of Major General Baron de Steuben and other Officers in his situation, as they shall judge reasonable and proportioned to the circumstances of the persons applying; for which sum the said Board of War is to be accountable.[1]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [John] Armstrong, Mr. [Jesse] Root, and Mr. [Nathaniel] Scudder.

Leonard Bowles, Esq. of the Bahama islands, having signified his intention of removing from thence, and having communicated a recommendation of him by the supreme executive council of the State of Pensylvania to the citizens of that State where he proposes to reside, ~~and desiring a passport or safe conduct~~

Ordered, That a passport or safe conduct be granted to the said Leonard Bowles, Esq. in his removal from the Bahama islands to these United States.

Congress took into consideration the draught of an answer to the speech to the hon^ble^ Sr. Gérard, minister plenipotentiary of France, and the same being debated by paragraphs, was agreed to.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, SEPTEMBER 8, 1779

A letter, of 6, from the Board of War, was read, enclosing a letter from the executive council and from the board of war of the State of Virginia, relative to arms belonging to the United States, detained by order of the said council for the use of that State:[2]

Ordered, That it be referred to a committee of three:

[1] This report is in the *Papers of the Continental Congress*, No. 136, III, folio 577. See under October 21, 1779, *post.*

[2] This letter is in the *Papers of the Continental Congress*, No. 147, II, folio 469. The letter of the Executive Council of Virginia, dated August 28, is on folio 471; that of the Virginia Board of War, of same day, is on folio 475.

The members chosen, Mr. [John] Mathews, Mr. [William] Paca, and Mr. [Jesse] Root.

A memorial from Captain Ralph Moor, late commander of the continental armed vessel the *Horn Snake*, was read:

Ordered, That it be referred to the Committee of Commerce.

The delegates for the State of New York laid before Congress certain instructions which they have received from their constituents, accompanied with sundry papers, which were read;[1] also,

A petition of the committees of Cumberland county to Congress was read, praying their speedy interposition in settling the disturbances upon the New Hampshire Grants, accompanied with sundry papers:

Ordered, That the same be referred to a committee of five:

The members chosen, Mr. [Thomas] M'Kean, Mr. [William] Paca, Mr. [Samuel] Holten, Mr. [Samuel] Huntington, and Mr. [Meriwether] Smith.

A memorial of John Benezet, of Philadelphia, on behalf of his brother in law, William Bingham, Esq. continental agent at St Pierre, Martinique, was read:

Ordered, That it be referred to the Committee of Commerce, and that they be directed to take order thereon.

On motion of Mr. [Henry] Marchant, seconded by Mr. [John] Mathews,

Resolved, That the President be requested to prepare a circular letter to the several states, to accompany the resolutions of Congress of the first and third instant, for stopping the further emissions of bills of credit.

Congress proceeded to the consideration of the motion for re-considering the resolution passed on the 21 August, recommending to the several states to continue or lay embargoes to continue until the first day of January next.

[1] The instructions are in the *Papers of the Continental Congress*, No. 41, I, folio 297.

A motion was made by Mr. [Thomas] M'Kean, seconded by Mr. [John] Armstrong, to strike out "January," in order to insert instead thereof "October."

On the question, shall the word "January" stand, the yeas and nays being required by Mr. [Nathaniel] Peabody,

New Hampshire,			*Pennsylvania,*		
Mr. Whipple,	no		Mr. Armstrong,	no	
Peabody,	ay	no	Searle,	ay	no
Langdon,	no		Muhlenberg,	no	
Massachusetts Bay,			*Delaware,*		
Mr. Lovell,	ay		Mr. M'Kean,	no	no
Holten,	no	ay	*Maryland,*		
Partridge,	ay		Mr. Carmichael,	no	
Rhode Island,			Forbes,	ay	div.
Mr. Marchant,	ay		*Virginia,*		
Collins,	ay	ay	Mr. Smith,	no	
Connecticut,			Griffin,	ay	no
Mr. Huntington,	ay		Fleming,	no	
Root,	ay	ay	*North Carolina,*		
Spencer,	ay		Mr. Harnett,	no	*
New York,			*South Carolina,*		
M. Jay,	no		Mr. Laurens,	ay	
Lewis,	ay	div.	Mathews,	ay	ay
New Jersey,					
Mr. Scudder,	ay				
Fell,	ay	ay			
Houston,	no				

So it was resolved in the affirmative.

Adjourned to 10 oClock to Morrow.

THURSDAY, SEPTEMBER 9, 1779

A letter, of 30th August. from Admiral Arbuthnot, was read:[1]

Ordered, That it be referred to the Marine Committee.

[1] Arbuthnot's letter is in the *Papers of the Continental Congress,* No. 78, I, folio 313.

Mr. James Mercer, a delegate for the State of Virginia, attended and took his seat in Congress.

A letter, of 8th, from the Board of War, was read:

SIR: The Board have been sundry times made *accountable* for the monies granted by warrants from Congress for the purposes of purchasing necessaries for the army. They have complained of this to the Treasury Board, but the form of the warrants continues the same. It is most distressingly hard that we should not only be obliged to continue in the clothing business contrary to our request made long ago to Congress, and we fear also, owing to our other engagements, contrary to the public interest, but also that we should be made accountable for monies of which we never touch a dollar, and have neither profit or pleasure to indemnify us for any losses. Congress will be pleased to excuse this representation; but we are constrained to make it as we cannot think of making our persons or the small remainder of the property the war has left us liable for deficiencies (if any should arise) which we can neither prevent or remedy. If Congress will be pleased to alter the late warrant for one million of dollars making it payable to our paymaster who alone receives the money, and should be accountable, we will be answerable for the propriety of our warrants on him, and we are humbly of opinion we ought not to be further responsible.

We beg leave further to represent to Congress, that we find it impossible to procure a sufficient quantity of clothing for the Troops under the present circumstances of our Finances. We have most industriously endeavored to procure sufficient supplies, but we find it out of our power, and we beg to be permitted to add, that unless some measures are taken, beyond the common mode of dealing, the Troops will experience the greatest distress. The articles of shirts, shoes, blankets and hats are the most scarce, and without the speedy and indefatigable exertions of the States, no quantities of these necessaries, adequate in any considerable degree to the wants of the Troops will be procured. We have directed the Clothier General to write most pressingly to the Governments of the several states requesting their assistance, and at our desire General Washington has also written circular letters on the subject.

Our feelings for our private characters require us to declare that it will be only our deference to the positive orders of Congress which will induce us to give any farther direction about purchases. When we

began the direction of the purchases of clothing, the advance on the sterling cost of the articles was at an average about 15 for 1. It proceeded gradually up to forty for one, till within these 3 months, since which period the depreciation has been so rapid as that at this time, one hundred pounds currency are demanded and given by private persons, and some State purchasers in the price of Dry Goods for the original cost of one pound sterling. Considerable quantities may be procured—the Army will want more than can be had, but we have not yet given this price. Yet our purchases must cease unless we come nearly if not entirely up to it. We therefore desire the favor of explicit directions as to our conduct. But if Congress will be pleased totally to take out of our hands this disagreeable business we shall acknowledge ourselves personally obliged to them, and we believe the public will be better served. In our opinions it would be most expedient either for every State to provide for its own quota of Troops, or that some person be appointed to superintend the purchases who had no other business. What should be done we leave to the wisdom of Congress, with the melancholy remark, that whoever undertakes this business, will find but a choice of difficulties as the money is not an object with many Proprietors of Goods, and we hope we are not too much under the influence of our fears, when we declare that we believe in a very short period, unless some extraordinary event takes place, the present currency will cease to be a medium of commerce. Our more immediate connexion with purchases drew from us this latter observation. If it is improper or out of the line of our duty we beg that our anxiety for the public good may be our excuse. We have the honor to be &c.[1]

Ordered, That it be referred to the Committee on the Treasury, who are directed to report on Monday next.

Resolved, That Mr. [Cyrus] Griffin, at his request, be discharged from the Committee on the Treasury, on account of his ill state of health.

Resolved, That a member be added to the Committee on the Treasury, in the room of Mr. [Cyrus] Griffin, until commissioners of the Board of Treasury shall be appointed:

The member chosen, Mr. [Henry] Marchant.

[1] This letter is in the *Papers of the Continental Congress*, No. 147, II, folio 453.

Mr. William Denning, was nominated by Mr. [John] Fell, to be elected one of the commissioners of the Board of Treasury.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of the delegates for the State of Virginia, on their application, for fifteen thousand dollars, for which the said State is to be accountable.

Ordered, That a warrant issue on Thomas Smith, Esq. commissioner of the continental loan office, for the State of Pensylvania, in favour of Joseph Carleton, paymaster to the Board of War and Ordnance, on the application of the said Board, for twenty thousand dollars, in loan office certificates, to enable the said Joseph Carleton to discharge in part a bill of exchange drawn on the said Board by Messrs. Otis & Henly, deputy cloathiers, at Boston, in favour of Henry Mitchel, Esq. which bill is endorsed by the said Henry Mitchel to Mr. Thomas Barclay.[1]

The Committee on the Treasury, to whom was referred the petition of Benjamin Pollard, of the State of Virginia, setting forth that in the month of May last, when the enemy invaded that State, they took or destroyed sundry loan office certificates, as appears by the depositions accompanying the said petition, which were the property of him, the said Benjamin Pollard, and praying the interposition of Congress for relief, brought in a report, which was read:

Ordered, That the same be re-committed.

The commissioners of claims at the Board of Treasury, report,

That there is due to the officers and privates of the invalid regiment commanded by Colonel Lewis Nicola, for their pay

[1] This report, dated September 8, is in the *Papers of the Continental Congress*, No. 136, III, folio 619.

and subsistance, for the month of July last, two thousand four hundred and nineteen dollars and 54/90, to be paid to Captain Robert Campbell, paymaster to the said regiment.[1]

Ordered, That the same be paid.

Another report from the commissioners of claims at the Board of Treasury, on the claims of the heirs of the late Monsr. du Coudray, against the United States was laid before Congress, and read:

Ordered, That the same, together with a copy of Mr. Grand's accounts, be referred to the Board of Treasury.

The committee appointed to prepare a letter to his most Christian Majesty, brought in a draught, which was read twice and debated by paragraphs, and being amended was unanimously agreed to.

The Committee for Foreign Affairs laid before Congress a declaration of his most Christian Majesty, concerning the abolition of the droit d'Aubaine, agreed upon between France and the United States of America, dated Versailles, 26 July, 1778:

Ordered, That it be referred to Mr. [Thomas] McKean, Mr. [Henry] Marchant, and Mr. [Jesse] Root.

The committee, to whom was referred the memorial of the 16 August, from Mr. Deane, brought in a report:

Ordered, That Monday next be set apart for taking the same into consideration.

Congress resumed the consideration of foreign affairs, and some time being spent thereon,

Congress resumed the consideration of the motion made on the 7th August. After debate,

On motion of Mr. [John] Dickinson, seconded by Mr. [John] Mathews,

[1] This report, dated September 9, is in the *Papers of the Continental Congress*, No. 136, III, folio 623.

Resolved, That the further consideration thereof be postponed.

A motion was then made by Mr. [John] Dickinson, seconded by Mr. [John] Mathews, as follows:

That if his Catholick Majesty shall determine to take part with France and the United States of America, in such case, the minister plenipotentiary of these United States be empowered, in their names, to conclude with the most Christian and Catholick Kings, a treaty or treaties, thereby assuring to these states, Canada, Nova Scotia, Bermudas, and the Floridas, when conquered, and the free and full exercise of the common right of these states to the fisheries on the banks of Newfoundland and the other fishing banks and seas of North America; and also the free navigation of the Mississippi into the sea. That the said minister be instructed to endeavour by all means in his power to procure the assurance of the said countries and navigation to these states; but if his Catholick Majesty shall positively insist upon the Floridas being ceded to him, and upon the exclusive navigation of the Mississippi from that part thereof which lies in latitude thirty-one degrees north from the equator to its mouth; in such cases, the said minister be instructed to agree to such propositions, to assent to mutual guarantees, to wit, of the Floridas and the navigation aforesaid to the king of Spain; and of Canada, Nova Scotia, Bermudas and the fisheries aforesaid to these states; and to procure, if possible, the establishment of a free commerce for the inhabitants of these states with some port or ports on the said river below the said degree of latitude, except for such articles as may be in the treaty particularly enumerated. That the said minister be instructed, that it is not the desire of Congress

to continue the war for the acquisition of the countries beforementioned; and therefore, if his Catholick Majesty shall obtain the Floridas from Great Britain, by cession, or by war, with, or without the assistance of these states, they will guarantee the same to his Majesty; but that, in such case, the said minister be instructed to endeavour strenuously to obtain for these states the assurance of the fisheries and commerce aforesaid. That the said minister be instructed to procure an article to be inserted, contracting for the delivery of masts for the royal navy of Spain, at some convenient port or ports in these states; providing therein, that no greater quantity be stipulated for than these states can spare with convenience to themselves. That the said Minister be instructed to endeavour, by all means in his power, to procure from his Catholick Majesty the annual payment to these States, of a certain sum of money, either in compensation for their exertions or for the equivalent beforementioned.[1]

Adjourned to 10 o'Clock to Morrow.

FRIDAY, SEPTEMBER 10, 1779

The Marine Committee, to whom was referred the letter, of 2d, from Matthew Irwin and others, report, as their opinion, that it will be for the public benefit to dispose of the sails and rigging of the frigate *Washington*.

Resolved, That Congress agree to the said report.

On motion of Mr. [Henry] Laurens, seconded by Mr. [Nathaniel] Scudder,

Resolved, That the Marine Committee be empowered to sell the standing rigging and sails of the frigate *Washington*, on such terms as they shall approve of.

[1] This motion was entered only in the manuscript Secret Journal, Foreign Affairs.

A report from the Board of War was read; Whereupon, Congress came to the following resolutions:

It appearing from the representation of the Board of War, that for the more comfortable accommodation of the troops of the United States, it is expedient that each State should provide cloathing for its own quota of those troops, in addition to that which has been imported or already procured by the agents appointed by the said Board:

Resolved, That it be earnestly recommended to the governments of the several states, immediately to provide large quantities of cloathing for their respective quotas of troops:

That particular attention be paid to the articles of hats, hose, shirts, blankets, and shoes, which are indispensably necessary and immediately wanted, and without which the troops must severely suffer:

That the cloathing so purchased or procured by the states respectively be delivered to the sub or State clothiers, agreeably to the ordinance of the 23d of March last:

That the sub or State cloathiers make regular monthly returns to the cloathier general of all cloathing received from their respective states:

That the executive powers of the several states be requested to correspond with the Board of War, from time to time, informing them of their proceedings and prospects in the cloathing business; that every assistance may be given, where necessary, by the said Board, when the continental stock will admit thereof, and continental purchasers be stopped when a sufficiency of cloathing is provided:

That it be also recommended to the governments of the respective states, to take measures for preventing any competition of prices among the purchasers, whether on account of the continent or particular states:

That the said governments be informed that the principal supplies of cloathing for the troops of their respective

quotas are expected from them; and to this end they are earnestly requested now diligently to exert themselves, and in future to make timely provision, either by purchase, manufacture, or importation:

That the Board of War be directed to inform the executive powers of the several states, from time to time, of any considerable additions to the stock of cloathing provided by the United States, by importation or otherwise, that whensoever all or any considerable part of the cloathing for the troops is or shall be provided by the United States, the governments of the several states may cease further provision.[1]

The Committee on the Treasury, according to order, laid on the table an account of the money received on loan, and of the whole amount of money issued and to be issued by virtue of resolves passed before this day.

The Committee of Commerce, having informed Congress that in pursuance of the order of Congress, they have expended in the purchase of powder which is arrived, about 3000 pounds sterling of the bills delivered to them, agreeable to the order of the 10 June, and that about 12,000 pounds sterling remain in the hands of their agent at St. Eustatia:

On motion of Mr. [Henry] Marchant, seconded by Mr. [Nathaniel] Scudder,

Resolved, That the Committee of Commerce be directed to confer with the Board of War, in what manner it will be most for the public service to lay out the remainder of the money entrusted to them.[2]

Congress proceeded to the consideration of foreign affairs, and some time being spent thereon,

After debate, on motion of Mr. [Samuel] Huntington, seconded by Mr. [Meriwether] Smith,

[1] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 455.

[2] This resolution was entered only in the manuscript Secret Domestic Journal.

Resolved, That the further consideration of the propositions moved yesterday be postponed.

A motion was then made by Mr. [Samuel] Huntington, seconded by Mr. [Meriwether] Smith, as follows:

Whereas by the treaties subsisting between his most Christian Majesty and the United States of America, a power is reserved to his Catholick Majesty "to accede to "the said treaties, and to participate in their stipulations, "at such time as he shall judge proper; it being well "understood, nevertheless, that, if any of the stipulations "of the said treaties are not agreeable to the king of "Spain, his Catholick Majesty may propose other con-"ditions analagous to the principal aim of the alliance, "and conformable to the rules of equality, reciprocity "and friendship:" And whereas, should his Catholick Majesty accede to the said treaties without any alteration, he must be under the necessity of renouncing forever all claims to the possession of the Floridas, of the utmost consequence to his kingdom, and more particularly to his American dominions: In order, therefore, that nothing may be wanting on the part of these states to further a treaty of alliance and of amity and commerce with his Catholick Majesty, consistent with the engagements of the said states, and agreeable to his most Christian Majesty their ally,

Resolved, That if his Catholick Majesty shall accede to the said treaties, and in concurrence with France and the United States of America, continue the present war with Great Britain, for the purposes expressed in the treaties aforesaid, he shall not thereby be precluded from securing to himself the Floridas: On the contrary, if he shall [think proper to attack them, these United States will aid and assist his Catholick Majesty in such enterprise with such provisions and naval stores as shall be required

by his Catholick Majesty, and can be furnished by these states; and if his Catholick Majesty shall] obtain the Floridas from Great Britain [by cession, or by war, with or without the assistance of the allies,] these United States will guaranty the same to his Catholick Majesty: Provided always, that his Catholick Majesty shall grant to the United States the free navigation of the river Mississippi, into the sea, and establish on the said river, at or somewhere southward of the thirty-first degree north latitude, a free port or ports, under such regulations and restrictions as shall be agreed on between the ministers plenipotentiary of his Catholick Majesty and the United States: and provided, also, that his Catholick Majesty shall pay to the United States, as a subsidy, a present sum not less than and a further annual sum of during the continuance of the present war, and for the term of years.

The motion being read, Congress took into consideration the resolution therein contained; and after debate,[1] Adjourned to 10 oClock to Morrow.

SATURDAY, SEPTEMBER 11, 1779

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of William Palfrey, Esq. paymaster general, for one million dollars, to be by him transmitted to John Pierce, Esq. deputy paymaster general, for the use of the main army, and for which the said deputy paymaster general is to be accountable.[2]

[1] This motion was entered only in the manuscript Secret Journal, Foreign Affairs. The words in brackets appear to have been first underlined and then struck out, but were retained in the printed journals. See proceedings of September 17, *post*.

[2] This report, dated September 10, is in the *Papers of the Continental Congress*, No. 136, III, folio 625.

Congress proceeded in the consideration of foreign affairs, and some time being spent thereon,

Congress resumed the consideration of the resolution, contained in the motion under debate yesterday, and on the question to agree to the said resolution,

Resolved, in the affirmative.

Congress then proceeded to the consideration of the provisos. And a motion was made by Mr. [Thomas] McKean, to amend the first proviso, by striking out "and" after the words, "into the sea," and in lieu thereof inserting "or." [1] After debate,

Adjourned to 10 o'Clock on Monday.

MONDAY, SEPTEMBER 13, 1779

Mr. [William] Fitzhugh, a delegate for the State of Virginia attended and took his seat in Congress.

A memorial of Ernst Ludwig de Widdersheim, major in his majesty, the King of Denmark's service, accompanied with sundry papers, was laid before Congress:

Ordered, That the same be referred to the Board of War.

A letter from Lieutenant Colonel Malmedy; and a letter, of 6, from Governor Trumbull, were read: [2]

Ordered, That they be referred to the Board of War.

A letter, of 26 August, from Governor Clinton, of New York; and a letter, of 3 instant, from Colonel John Lamb, were read:

Ordered, That they be referred to the committee on the memorial from Colonel Harrison.

[1] This motion was entered only in the manuscript Secret Journal, Foreign Affairs.

[2] Widdersheim's memorial is in the *Papers of the Continental Congress*, No. 4-1, X, folio 391; Malmedy's letter, in No. 78, XV, folio 485; that of Trumbull, in No. 66, II, folio 27.

A letter, of the 31 August, from the president of the council of Massachusetts bay, was read, accompanied with sundry intercepted letters: [1]

Ordered, That the said intercepted letters be referred to the committee appointed to correspond with Major General Lincoln.

A letter, of 1, from Major Lee, was read:

Ordered, That it be referred to the Committee of Intelligence.

An address and memorial of sundry inhabitants of the city and liberties of Philadelphia, was read, "requesting that Congress would be pleased in the most decisive and explicit manner to determine what the extent and quantity of the emissions shall be, and when and where they shall stop." [2]

A letter, of 7th, from General Washington, was read, enclosing a letter, of 30th August, from Major General Sullivan: [3]

Ordered, That it be referred to the committee appointed to correspond with Major General Lincoln.

Resolved, That two members be added to the said committee:

The members chosen, Mr. [Cornelius] Harnett and Mr. [William] Fitzhugh.

Ordered, That the letter enclosed from Major General Sullivan be referred to the Committee of Intelligence.

Another letter from General Washington, dated the 5 instant, was read, enclosing an extract of a letter from Major General Sullivan, dated Tiahoga, 20 August, 1779.

[1] Clinton's letter is in the *Papers of the Continental Congress*, No. 67, II, folio 210; that of Lamb, in No. 78, XIV, folio 285; that of the Massachusetts Council, in No. 65, I, folio 400.

[2] Lee's letter is in the *Papers of the Continental Congress*, No. 78, XIV, folio 283; the Philadelphia memorial, in No. 43, folio 275.

[3] Washington's letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 727. It is printed in *Writings of Washington* (Ford), VIII, 39; Sullivan's letter is on folio 731.

A letter, of June 12, from the Marquis de la Fayette was read:

Ordered, That an answer thereto be prepared.

A letter, of 8, from General Washington; and one, of 3d from the governor of Rhode Island, &c. were read.[1]

The committee, appointed the 3d instant to devise further ways and means of supplying the treasury, brought in a report, which was read.

The Committee, appointed the 3d Instant, to devise further Ways and Means of supplying the Treasury, beg leave to submit the following resolutions:

Whereas it is necessary that the several States, should raise by Taxes and Loans their Quotas of the money which may hereafter be wanted for supporting the War,

Resolved, That in addition to the sums required by the resolutions of Congress of the 22d November, 1777, and 2d January, and 21st May, 1779, the several States be called on to pay into the Continental Treasury in March next, and every month after during the war, their respective proportions of fifteen million dollars, viz,

New Hampshire	Delaware
Massachusetts Bay	Maryland
Rhode Island and Providence Plantations	Virginia
	North Carolina
Connecticut	South Carolina
New York	Georgia, being invaded, is hereafter to raise her proportion.
New Jersey	
Pennsylvania,	

2d. That all sums which may be paid into the Continental Treasury, or to the order of Congress, by any of the States during the continuance of the War, shall be passed to their respective credits upon interest, on the terms prescribed by the first article of a Resolution of Congress of the 22d November, 1777, and that each respective State be also credited ten per cent on the monthly payments that shall be punctually made agreeable to the foregoing resolve; provided that such State shall have paid its preceeding monthly Quotas, and also its proportions of the sums required by the several Resolutions mentioned in the said Resolve.

[1] The Washington letters are in the *Papers of the Continental Congress*, No. 152, VII, folios 723, 743; that of Lafayette, in No. 156, folio 89; that of Rhode Island, in No. 64, folio 454.

3d That the encouragement offered by a resolution of Congress of the 29th June last, for promoting Loans, be extended to all sums which may be paid into the Continental Loan Offices on or before the first of March next, to the amount of the blank loan office certificates which are already ordered to be struck by Congress; that any person subscribing ten thousand dollars or upwards, shall be allowed to pay one half thereof within fourteen days after the subscription, and the residue at the end of two months after the first payment, the whole to bear interest from the time of the first payment, if the other is punctually made; and that no domestic loans be afterwards made by Congress unless from the several States.

4th That a Committee be appointed to prepare an estimate of the public expences, and report a plan for retrenching the same; that for this purpose they be authorized to repair to Camp, and confer with the Commander in Chief on the subject; and that it be an instruction to the said Committee to consult the General on the expediency of supplying by contract, the departments of the quarter master and Commissary General; and to suggest to him the necessity of discharging supernumerary officers of every kind, and introducing strict œconomy into every department.

Postponed

5. That to prevent disappointments in supplies of money, the plan reported by a committee on the 20th July last be completed, and sent to the Minister of these United States in France, to be by him communicated to his most Christian Majesty, with the request of Congress, that he will give his assurance that the Bills of Exchange mentioned in the plan, shall be answered, and the annual interest previously arising on the Bills be regularly paid, should Congress judge it indispensibly necessary to make sale of the said Bills for supporting the war.

And whereas, there is great reason to expect that an appreciation of the current money will immediately follow the exertions of the several States to provide their quotas of supplies as aforesaid,

6. *Resolved*, That if the sums to be paid by the several States should exceed the expences of the war, the surplus shall be applied as a Sinking Fund for discharging the public debt.[1]

The president laid before Congress a draught of a circular letter from Congress of the United States of America, to

[1] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 26, folio 61. See October 6, *et seq.*, *post*.

their constituents, which was read twice and unanimously agreed to:

Friends and Fellow-Citizens!—In governments raised on the generous principles of equal liberty, where the rulers of the state are the servants of the people, and not the masters of those from whom they derive authority; it is their duty to inform their fellow-citizens of the state of their affairs, and by evincing the propriety of public measures, lead them to unite the influence of inclination to the force of legal obligation in rendering them successful. This duty ceases not, even in times of the most perfect peace, order and tranquillity, when the safety of the commonwealth is neither endangered by force or seduction from abroad, or by faction, treachery or misguided ambition from within. At this season, therefore, we find ourselves in a particular manner impressed with a sense of it, and can'no longer forbear calling your attention to a subject much misrepresented, and respecting which, dangerous, as well as erroneous opinions have been held and propagated:—we mean your finances.

The ungrateful despotism and inordinate lust of domination, which marked the unnatural designs of the British king and his venal parliament, to enslave the people of America, reduced you to the necessity of either asserting your rights by arms, or ingloriously passing under the yoke. You nobly preferred war. Armies were then to be raised, paid and supplied: money became necessary for these purposes. Of your own there was but little; and of no nation in the world could you then borrow. The little that was spread among you could be collected only by taxes, and to this end regular governments were essential; of these you were also destitute. So circumstanced, you had no other resource but the natural value and wealth of your fertile country. Bills were issued on the credit of this bank, and your faith was pledged for their redemption. After a considerable number of these had circulated, loans were solicited, and offices for the purpose established. Thus a national debt was unavoidably created, and the amount of it is as follows:

Bills emitted and circulating, 159,948,880 dollars; monies borrowed before the 1st of March, 1778, the interest of which is payable in France, 7,545,196 67-90ths; monies borrowed since the first of March, 1778, the interest of which is payable here, 26,188,909; money due abroad, not exactly known, the balances not having been transmitted, supposed to be about 4,000,000 dollars.

For your further satisfaction we shall order a particular account of the several emissions, with the times limited for their redemption, and also of the several loans, the interest allowed on each, and the terms assigned for their payment, to be prepared and published.

The taxes have as yet brought into the treasury no more than 3,027,560, so that all the monies supplied to Congress by the people of America, amount to no more than 36,761,665 67-90 dollars, that being the sum of the loans and taxes received. Judge, then, of the necessity of emissions, and learn from whom and from whence that necessity arose.

We are also to inform you, that on the first day of September inst. we resolved "that we would, on no account whatever, emit more bills of credit than to make the whole amount of such bills 200,000,000 of dollars," and as the sum emitted and in circulation amounted to 159,948,880 dollars, and the sum of 40,051,120 dollars remained to complete the 200,000,000 abovementioned, we on the 3d day of September, inst. further resolved, "that we would emit such part only of the said sum of 40,051,120 dollars as should be absolutely necessary for public exigencies before adequate supplies could otherwise be obtained, relying for such supplies on the exertions of the several states."

Exclusive of the great and ordinary expenses incident to the war, the depreciation of the currency has so swelled the prices of every necessary article, and of consequence made such additions to the usual amount of expenditures, that very considerable supplies must be immediately provided by loans and taxes; and we unanimously declare it to be essential to the welfare of these states, that the taxes already called for be paid into the continental treasury by the time recommended for that purpose. It is also highly proper that you should extend your views beyond that period, and prepare in season, as well for bringing your respective quotas of troops into the field early the next campaign, as for providing the supplies necessary in the course of it. We shall take care to apprize you, from time to time, of the state of the treasury, and to recommend the proper measures for supplying it. To keep your battalions full, to encourage loans, and to assess your taxes with prudence, collect them with firmness, and pay them with punctuality, is all that will be requisite on your part. Further ways and means of providing for the public exigencies are now under consideration, and will soon be laid before you.

Having thus given you a short and plain state of your debt, and pointed out the necessity of punctuality in furnishing the supplies

already required, we shall proceed to make a few remarks on the depreciation of the currency, to which we entreat your attention.

The depreciation of bills of credit is always either natural or artificial, or both. The latter is our case. The moment the sum in circulation exceeded what was necessary as a medium in commerce, it began and continued to depreciate in proportion as the amount of the surplus increased; and that proportion would hold good until the sum emitted should become so great as nearly to equal the value of the capital or stock, on the credit of which the bills were issued. Supposing, therefore, that 30,000,000 was necessary for a circulating medium, and that 160,000,000 had issued, the natural depreciation is but little more than as five to one: but the actual depreciation exceeds that proportion, and that excess is artificial. The natural depreciation is to be removed only by lessening the quantity of money in circulation. It will regain its primitive value whenever it shall be reduced to the sum necessary for a medium of commerce. This is only to be effected by loans and taxes.

The artificial depreciation is a more serious subject, and merits minute investigation. A distrust (however occasioned) entertained by the mass of the people, either in the ability or inclination of the United States to redeem their bills, is the cause of it. Let us enquire how far reason will justify a distrust in the ability of the United States.

The ability of the United States must depend on two things; first, the success of the present revolution; and secondly, on the sufficiency of the natural wealth, value and resources of the country.

That the time has been when honest men might, without being chargeable with timidity, have doubted the success of the present revolution, we admit: but that period is passed. The independence of America is now as fixed as fate, and the petulant efforts of Britain to break it down are as vain and fruitless as the raging of the waves which beat against their cliffs. Let those who are still afflicted with these doubts consider the character and condition of our enemies. Let them remember that we are contending against a kingdom crumbling into pieces; a nation without public virtue; and a people sold to, and betrayed by, their own representatives; against a prince governed by his passions, and a ministry without confidence or wisdom; against armies half paid and generals half trusted; against a government equal only to plans of plunder, conflagration and murder; a government, by the most impious violations of the rights of religion, justice, humanity, and mankind, courting the vengeance of Heaven and revolting from the protection of Providence. Against the fury of these enemies you

made successful resistance, when single, alone and friendless, in the days of weakness and infancy, before your hands had been taught to war or your fingers to fight. And can there be any reason to apprehend that the divine disposer of human events, after having separated us from the house of bondage, and led us safe through a sea of blood, towards the land of liberty and promise, will leave the work of our political redemption unfinished, and either permit us to perish in a wilderness of difficulties, or suffer us to be carried back in chains to that country of oppression, from whose tyranny he hath mercifully delivered us with a stretched out arm?

In close alliance with one of the most powerful nations in Europe which has generously made our cause her own, in amity with many others, and enjoying the good will of all, what danger have we to fear from Britain? Instead of acquiring accessions of territory by conquest, the limits of her empire daily contract: her fleets no longer rule the ocean, nor are her armies invincible by land. How many of her standards, wrested from the hands of her champions, are among your trophies, and have graced the triumphs of your troops? and how great is the number of those, who, sent to bind you in fetters, have become your captives, and received their lives from your hands? In short, whoever considers that these states are daily increasing in power; that their armies have become veteran; that their governments, founded in freedom, are established; that their fertile country and their affectionate ally furnish them with ample supplies; that the Spanish monarch, well prepared for war, with fleets and armies ready for combat, and a treasury overflowing with wealth, has entered the lists against Britain; that the other European nations, often insulted by her pride, and alarmed by the strides of her ambition, have left her to her fate; that Ireland, wearied with her oppressions, is panting for liberty, and even Scotland displeased and uneasy at her edicts: whoever considers these things, instead of doubting the issue of the war, will rejoice in the glorious, the sure and certain prospect of success.

This point being established, the next question is, whether the natural wealth, value and resources of the country, will be equal to the payment of the debt?

Let us suppose for the sake of argument, that at the conclusion of the war, the emissions should amount to 200,000,000; that exclusive of supplies from taxes, which will not be inconsiderable, the loans should amount to 100,000,000, then the whole national debt of the

United States would be 300,000,000. There are at present 3,000,000 of inhabitants in the 13 states: 300,000,000 of dollars, divided among 3,000,000 of people, would give to each person 100 dollars; and is there an individual in America unable, in the course of 18 or 20 years, to pay it again? Suppose the whole debt assessed, as it ought to be, on the inhabitants in proportion to their respective estates, what would then be the share of the poorer people? Perhaps not 10 dollars. Besides, as this debt will not be payable immediately, but probably 20 years allotted for it, the number of inhabitants by that time in America will be far more than double their present amount. It is well known that the inhabitants of this country increased almost in the ratio of compound interest. By natural population they doubled every 20 years, and how great may be the host of emigrants from other countries cannot be ascertained. We have the highest reason to believe the number will be immense. Suppose that only 10,000 should arrive the first year after the war, what will those 10,000 with their families count in 20 years time?—probably double the number. This observation applies with proportionable force to the emigrants of every successive year. Thus you see great part of your debt will be payable not merely by the present number of inhabitants, but by that number swelled and increased by the natural population of the present inhabitants, by multitudes of emigrants daily arriving from other countries, and by the natural population of those successive emigrants, so that every person's share of the debt will be constantly diminishing by others coming in to pay a proportion of it.

These are advantages which none but young countries enjoy. The number of inhabitants in every country in Europe remains nearly the same from one century to another. No country will produce more people than it can subsist, and every country, if free and cultivated, will produce as many as it can maintain. Hence we may form some idea of the future population of these states. Extensive wildernesses, now scarcely known or explored, remain yet to be cultivated, and vast lakes and rivers, whose waters have for ages rolled in silence and obscurity to the ocean, are yet to hear the din of industry, become subservient to commerce, and boast delightful villas, gilded spires, and spacious cities rising on their banks.

Thus much for the number of persons to pay the debt. The next point is their ability. They who enquire how many millions of acres are contained only in the settled part of North America, and how

much each acre is worth, will acquire very enlarged, and yet very inadequate ideas of the value of this country. But those who will carry their enquiries further, and learn that we heretofore paid an annual tax to Britain of 3,000,000 sterling in the way of trade, and still grew rich; that our commerce was then confined to her; that we were obliged to carry our commodities to her market, and consequently to sell them at her price; that we were compelled to purchase foreign commodities at her stores, and on her terms, and were forbid to establish any manufactories incompatible with her views of gain; that in future the whole world will be open to us, and we shall be at liberty to purchase from those who will sell on the best terms, and to sell to those who will give the best prices; that as the country increases in number of inhabitants and cultivation, the productions of the earth will be proportionably increased, and the riches of the whole proportionably greater. Whoever examines the force of these and similar observations, must smile at the ignorance of those who doubt the ability of the United States to redeem their bills.

Let it also be remembered that paper money is the only kind of money which cannot "make unto itself wings and fly away." It remains with us, it will not forsake us, it is always ready and at hand for the purpose of commerce or taxes, and every industrious man can find it. On the contrary, should Great Britain, like Nineveh (and for the same reason) yet find mercy and escape the storm ready to burst upon her, she will find her national debt in a very different situation; her territory diminished, her people wasted, her commerce ruined, her monopolies gone, she must provide for the discharge of her immense debt by taxes to be paid in specie, in gold or silver perhaps now buried in the mines of Mexico or Peru, or still concealed in the brooks and rivulets of Africa or Indostan.

Having shewn that there is no reason to doubt the ability of the United States to pay their debt, let us next enquire whether as much can be said for their inclination.

Under this head three things are to be attended to:

1st. Whether and in what manner the faith of the United States has been pledged for the redemption of their bills:

2d. Whether they have put themselves in a political capacity to redeem them; and,

3d. Whether, admitting the two former propositions, there is any reason to apprehend a wanton violation of the public faith.

1st. It must be evident to every man who reads the journals of Congress, or looks at the face of one of their bills, that Congress have pledged the faith of their constituents for the redemption of them. And it must be equally evident, not only that they had authority to do so, but that their constituents have actually ratified their acts by receiving their bills, passing laws establishing their currency, and punishing those who counterfeit them. So that it may with truth be said that the people have pledged their faith for the redemption of them, not only collectively by their representatives, but individually.

2d. Whether the United States have put themselves in a political capacity to redeem their bills, is a question which calls for more full discussion.

Our enemies, as well foreign as domestic, have labored to raise doubts on this head. They argue that the confederation of the states remains yet to be perfected; that the union may be dissolved, Congress be abolished, and each state, resuming its delegated powers, proceed in future to hold and exercise all the rights of sovereignty appertaining to an independent state. In such an event, say they, the continental bills of credit, created and supported by the union, would die with it. This position being assumed, they next proceed to assert this event to be probable, and in proof of it, urge our divisions, our parties, our separate interests, distinct manners, former prejudices, and many other arguments equally plausible and equally fallacious. Examine this matter.

For every purpose essential to the defence of these states in the progress of the present war, and necessary to the attainment of the objects of it, these states now are as fully, legally, and absolutely confederated as it is possible for them to be. Read the credentials of the different delegates who composed the Congress in 1774, 1775, and part of 1776. You will find that they establish an union for the express purpose of opposing the oppressions of Britain, and obtaining redress of grievances. On the 4th of July, 1776, your representatives in Congress, perceiving that nothing less than unconditional submission would satisfy our enemies, did, in the name of the people of the thirteen United Colonies, declare them to be free and independent states, and "for the SUPPORT of that declaration, with a firm reliance on the protection of Divine Providence, did mutually pledge to each other their LIVES, their FORTUNES, and their SACRED HONOR." Was ever confederation more formal, more solemn, or explicit? It has

been expressly assented to and ratified by every state in the union. Accordingly, for the direct SUPPORT of this declaration, that is, for the support of the independence of these states, armies have been raised, and bills of credit emitted and loans made to pay and supply them. The redemption, therefore, of these bills, the payment of these debts, and the settlement of the accounts of the several states for expenditures or services for the common benefit, and in this common cause, are among the objects of this confederation; and consequently, while all or any of its objects remain unattained, it cannot, so far as it may respect such objects, be dissolved, consistent with the laws of God or man.

But we are persuaded, and our enemies will find that our union is not to end here. They are mistaken when they suppose us kept together only by a sense of present danger. It is a fact which they only will dispute, that the people of these states were never so cordially united as at this day. By having been obliged to mix with each other, former prejudices have worn off, and their several manners become blended. A sense of common permanent interest, mutual affection (having been brethren in affliction,) the ties of consanguinity daily extending, constant reciprocity of good offices, similarity in language, in governments, and therefore in manners, the importance, weight and splendor of the union, all conspire in forming a strong chain of connexion, which must forever bind us together. The United Provinces of the Netherlands and the United Cantons of Switzerland became free and independent under circumstances very like ours: their independence has been long established, and yet their confederacies continue in full vigor. What reason can be assigned why our union should be less lasting? or why should the people of these states be supposed less wise than the inhabitants of those? You are not uninformed that a plan for a perpetual confederation has been prepared and that twelve of the thirteen states have already acceded to it. But enough has been said to shew that for every purpose of the present war, and all things incident to it, there does at present exist a perfect solemn confederation, and therefore that the states now are and always will be in political capacity to redeem their bills, pay their debts and settle their accounts.

3d. Whether, admitting the ability and political capacity of the United States to redeem their bills, there is any reason to apprehend a wanton violation of the public faith?

It is with great regret and reluctance that we can prevail upon ourselves to take the least notice of a question which involves in it a doubt so injurious to the honor and dignity of America.

The enemy, aware that the strength of America lay in the union of her citizens, and the wisdom and integrity of those to whom they committed the direction of their affairs, have taken unwearied pains to disunite and alarm the people, to depreciate the abilities and virtue of their rulers, and to impair the confidence reposed in them by their constituents. To this end, repeated attempts have been made to draw an absurd and fanciful line of distinction between the Congress and the people, and to create an opinion and a belief that their interests and views were different and opposed. Hence the ridiculous tales, the invidious insinuations, and the whimsical suspicions that have been forged and propagated by disguised emissaries and traitors in the garb of patriots. Hence has proceeded the notable discovery that as the Congress made the money they also can destroy it; and that it will exist no longer than they find it convenient to permit it. It is not surprising that in a free country, where the tongues and pens of such people are and must be licensed, such political heresies should be inculcated and diffused, but it is really astonishing that the mind of a single virtuous citizen in America should be influenced by them. It certainly cannot be necessary to remind you that your representatives here are chosen from among yourselves; that you are or ought to be acquainted with their several characters; that they are sent here to speak your sentiments, and that it is constantly in your power to remove such as do not. You surely are convinced that it is no more in their power to annihilate your money than your independence, and that any act of theirs for either of those purposes would be null and void.

We should pay an ill compliment to the understanding and honor of every true American, were we to adduce many arguments to shew the baseness or bad policy of violating our national faith, or omitting to pursue the measures necessary to preserve it. A bankrupt faithless republic would be a novelty in the political world, and appear among reputable nations like a common prostitute among chaste and respectable matrons. The pride of America revolts from the idea: her citizens know for what purposes these emissions were made, and have repeatedly plighted their faith for the redemption of them; they are to be found in every man's possession, and every man is interested in their being redeemed: they must therefore entertain a high opinion

of American credulity, who suppose the people capable of believing, on due reflection, that all America will, against the faith, the honor and the interest of all America, be ever prevailed upon to countenance, support or permit so ruinous, so disgraceful a measure. We are convinced that the efforts and arts of our enemies will not be wanting to draw us into this humiliating and contemptible situation. Impelled by malice, and the suggestions of chagrin and disappointment, at not being able to bend our necks to their yoke, they will endeavour to force or seduce us to commit this unpardonable sin, in order to subject us to the punishment due to it, and that we may thenceforth be a reproach and a bye word among the nations. Apprized of these consequences, knowing the value of national character, and impressed with a due sense of the immutable laws of justice and honor, it is impossible that America should think without horror of such an execrable deed.

If then neither our ability or inclination to discharge the public debt are justly questionable, let our conduct correspond with this confidence, and let us rescue our credit from its present imputations. Had the attention of America to this object been unremitted, had taxes been seasonably imposed and collected, had proper loans been made, had laws been passed and executed for punishing those who maliciously endeavoured to injure the public credit; had these and many other things equally necessary been done, and had our currency, notwithstanding all these efforts, declined to its present degree of depreciation, our case would indeed have been deplorable. But as these exertions have not been made, we may yet experience the good effects which naturally result from them. Our former negligences therefore should now animate us with hope, and teach us not to despair of removing by vigilance and application the evils which supineness and inattention have produced.

It has been already observed, that in order to prevent the further natural depreciation of our bills, we have resolved to stop the press, and to call upon you for supplies by loans and taxes. You are in capacity to afford them, and are bound by the strongest ties to do it. Leave us not therefore without supplies, nor let in that flood of evils which would follow from such a neglect. It would be an event most grateful to our enemies, and depend upon it they will redouble their artifices and industry to compass it. Be therefore upon your guard, and examine well the policy of every measure

and the evidence of every report that may be proposed or mentioned to you before you adopt the one or believe the other. Recollect that it is the price of the liberty, the peace and the safety of yourselves and posterity, that now is required; that peace, liberty and safety, for the attainment and security of which, you have so often and so solemnly declared your readiness to sacrifice your lives and fortunes. The war, though drawing fast to a successful issue, still rages. Disdain to leave the whole business of your defence to your ally. Be mindful that the brightest prospects may be clouded, and that prudence bids us be prepared for every event. Provide, therefore, for continuing your armies in the field till victory and peace shall lead them home, and avoid the reproach of permitting the currency to depreciate in your hands, when by yielding a part to taxes and loans, the whole might have been appreciated and preserved. Humanity as well as justice makes this demand upon you, the complaints of ruined widows, and the cries of fatherless children, whose whole support has been placed in your hands and melted away, have doubtless reached you: take care that they ascend no higher. Rouse, therefore, strive who shall do most for his country; re-kindle that flame of patriotism which at the mention of disgrace and slavery blazed throughout America, and animated all her citizens. Determine to finish the contest as you began it, honestly and gloriously. Let it never be said that America had no sooner become independent than she became insolvent, or that her infant glories and growing fame were obscured and tarnished by broken contracts and violated faith, in the very hour when all the nations of the earth were admiring and almost adoring the splendor of her rising.

By the unanimous order of Congress,

JOHN JAY, *President.*

PHILADELPHIA, *September 13th, 1779.*

Ordered, That two hundred copies be printed, in order to be sent to the several states.

Ordered, That the same be translated into German, and two hundred copies in that language struck off.

Adjourned to 10 oClock to Morrow.

TUESDAY, SEPTEMBER 14, 1779

Mr. [Daniel of St. Thomas] Jenifer, a delegate from the State of Maryland, attended, and took his seat in Congress.

A memorial of the proprietors of a tract of land called Indiana, signed on behalf of the proprietors, and as their agent, by George Morgan, was read, stating

That on the 3d day of November, 1768, at a general congress with the Six Nations and other Indians, held at Fort Stanwix, in consideration of the sum of £85,916 10 8, the amount of the value of the damages sustained by the traders, the said Six United and Independent Nations, the true and absolute owners and proprietors, did grant a tract of land called Indiana, described as follows, viz. Beginning at the southerly side of the mouth of Little Kenhawa creek, where it empties itself into the river Ohio, and running from thence south east to the Laurel Hill, thence along the Laurel Hill until it strikes the river Monongahela, thence down the stream of the said river Monongahela, according to the several courses thereof, to the southern boundary line of the province of Pensylvania, thence westerly along the course of the said province boundary line, as far as the same shall extend, and from thence by the same course to the river Ohio, thence down the said river Ohio, according to the several courses thereof, to the place of beginning: that the said tract of land, thus obtained for so valuable a consideration, and with every circumstance of notoriety and authority that can give validity to any grant, was afterwards (as being included within the bounds of a larger tract of land called Vandalia,) by order of the king of Great Britain in council, before the declaration of the independency of these United States, separated from the dominion which, in right of the crown, Virginia claimed over it. And therefore the memorialists are advised, that the said tract of country cannot remain subject to the jurisdiction of Virginia or any particular state, but of the whole United States in Congress assembled: that some acts of the State of Virginia, directing the sale of the lands in question, to commence in October next, for the particular benefit of that State, seem intended to prevent and defeat the interposition of Congress, and therefore praying this honourable House to take the distressed case of the memorialists into speedy consideration, and that such order may be directed as may be thought proper to stay Virginia in the sale of the lands in question, till Vir-

ginia, as well as the memorialists, can be heard before this honourable House, and the whole rights of the owners of the tract of land called Vandalia, of which Indiana is a part, shall be ascertained in such a manner as may tend to support the sovereignty of the United States and the just rights of individuals therein.

Also a memorial of William Trent, in behalf of Thomas Walpole and his associates, claiming a right to the tract of land called Vandalia, was read.[1]

A motion was made by Mr. [Nathaniel] Scudder, seconded by Mr. [John] Fell, that the first memorial, signed by George Morgan, be referred to a committee.

On which the yeas and nays being required by Mr. [Nathaniel] Scudder,

New Hampshire,			*Delaware,*		
Mr. Langdon,	no	no	Mr. Dickinson,	ay	ay
Massachusetts Bay,			M'Kean,	ay	
Mr. Gerry,	no		*Maryland,*		
Holten,	ay	no	Mr. Carmichael,	ay	
Partridge,	no		Forbes,	ay	ay
Rhode Island,			Jenifer,	ay	
Mr. Marchant,	ay		*Virginia,*		
Collins,	ay	ay	Mr. Smith,	no	
Connecticut,			Griffin,	no	
Mr. Root,	ay		Fleming,	no	no
Spencer,	ay	ay	Mercer,	no	
New York,			*North Carolina,*		
Mr. Jay,	no		Mr. Harnett,	no	
Lewis,	ay	div.	Sharpe,	no	no
New Jersey,			*South Carolina,*		
Mr. Scudder,	ay		Mr. Laurens,	no	
Fell,	ay	ay	Mathews,	no	no
Houston,	ay				
Pennsylvania,					
Mr. Shippen,	ay				
Atlee,	ay				
Searle,	ay	ay			
Muhlenberg,	ay				

[1] This memorial, dated September 11, is in the *Papers of the Continental Congress*, No. 41, X, folio 79.

So it was resolved in the affirmative.

Resolved, That the committee consist of five.

Adjourned to 10 oClock to Morrow.

WEDNESDAY, SEPTEMBER 15, 1779.

The delegates of North Carolina laid before Congress a letter from Brigadier General Hogan, which was read:

Ordered, That it be referred to the Board of War.

A letter, of this day, from the hon^ble^ Sieur Gérard, minister plenipotentiary of France, was read, desiring, in the course of this week, an audience, in order that he may take his leave: [1]

Resolved, That Friday next be assigned for granting a private audience to the hon^ble^ Sieur Gerard, minister plenipotentiary of France, in order to his taking leave.

Resolved, That this private audience be in full Congress.

Another letter, of this day, from the said Minister Plenipotentiary, was read, informing that "he has constituted the Sieur James Wilson advocate general of the French nation, in order that he may be charged with all the causes and matters relative to navigation and commerce."

A letter, of 5, from J. Wadsworth, commissary general, to the committee of Congress appointed to superintend that department, was read: [2]

Ordered, That it be referred back to the said committee.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. [John] Jay, one of the delegates for the State of New York, on his application, for three thousand dollars; for which the said State is to be accountable.

[1] This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 315.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 79.

That a warrant issue on the treasurer, in favour of Mr. S[amuel] Huntington, one of the delegates for the State of Connecticut, on his application, for two thousand dollars; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Colonel B. Flower, commissary general of military stores, on the application of the Board of War and Ordnance, for five hundred thousand dollars, for the use of his department, to be issued from time to time from the Treasury as the necessities of the department shall require; for which the said commissary general is to be accountable.[1]

That a warrant issue on the treasurer, in favour of Mr. N[athaniel] Scudder, one of the delegates for the State of New Jersey, on his application, for one thousand dollars; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Richard Philips, steward to the President of Congress, for five thousand dollars, on his application; for which he is to be accountable.[2]

TREASURY OFFICE, *September 15, 1779.*

The Committee on the Treasury, having considered a Letter, of the 13th instant, from Anthony Butler Esqr, Agent for General Mifflin, late Quarter Master General, enclosing another, of the 29th of August last, from James Thompson, Assistant Quartermaster General, together with an abstract of Wages due to the Waggon Department while under the direction of General Mifflin, amounting to 12.000 dollars, and requesting a warrant for this sum, beg leave to report the following resolution:

That a warrant issue on the treasurer, in favour of Major General Mifflin, late quarter master general, for twelve thousand dollars, on the application of Anthony Butler, Esq. his agent, to enable the said General Mifflin to discharge

[1] This report, dated September 11, is in the *Papers of the Continental Congress*, No. 136, III, folio 633.

[2] This report, dated September 13, is in the *Papers of the Continental Congress*, No. 136, III, folio 637.

agreeable to an estimate of James Thomson, assistant quarter master general, the wages due to the waggon department, while under his direction; and for which General Mifflin is to be accountable.

That a warrant issue on Nicholas Gilman, Esq. commissioner of the continental loan office in New Hampshire, in favour of Lydia Emerson, administratrix of Moses Emerson, deceased, late commissioner of accounts for the middle department, for one thousand dollars, being the sum allowed to each of his colleagues, James Stevenson and Samuel Downe, Esquires, and that the account of the said Moses Emerson be credited for three hundred and eighty two dollars and 30/90, being the amount of his funeral charges.

That a warrant issue on the treasurer, in favour of the delegates for the State of South Carolina, on their application, for ten thousand dollars; for which the said State is to be accountable.

That the warrant issued the first instant, in favour of Joseph Carleton, pay master to the Board of War and Ordnance, for one million of dollars, be cancelled; and that in lieu thereof a warrant issue on Thomas Smith, Esq. commissioner of the continental loan office in Pensylvania, for six hundred thousand dollars and another warrant on the treasurer, for four hundred thousand dollars, in favour of the said Joseph Carleton, to be applied by the Board of War to the purchases of cloathing for the army; the said Joseph Carleton to be accountable.

That a warrant issue on the treasurer, in favour of Mr. W[illiam] Whipple, one of the delegates for the State of New Hampshire, on his application, for three thousand dollars; for which the said State is to be accountable.

The Committee on the Treasury, having according to order considered a letter, of the 2^{d} of August last, from General Washington, enclosing one of the 21st of August from Colonel Richard Butler, beg leave further to report:

Resolved, That a copy of Colonel Butler's letter of the 21 August, which was enclosed in General Washington's letter of the 23 of the said month, and referred to the Board of Treasury, be transmitted to the auditors of the main army, who are directed to allow him 2316 dollars, the sum mentioned in his letter, on his making oath to the facts set forth in the same.[1]

TREASURY OFFICE, *September 10th, 1779.*

The Committee on the Treasury, to whom was referred a letter of the 8th instant from the Board of War, the first part of which represents the impropriety of making them accountable for the monies granted by warrants from Congress for the purposes of purchasing necessaries for the army, and requests that the stile of a warrant of the first instant issued in their favour for one million of dollars, to enable them to purchase Cloathing for the Army for which they stand accountable, may be altered and that Joseph Carleton, their pay master, may be made accountable, for the same, having considered that part of said Letter beg leave to report

Resolved, That all applications in future for moneys for the use of the different departments under the direction of the Board of War, be made to the Treasury by the pay master of the said Board, who is instructed to have them previously certified by the Board of War; and that for all sums granted in consequence of such applications the said pay master be accountable.[2]

The commissioners report,

That there is due to the reverend Mr. Lotbinier chaplain to Colonel Livingston's regiment, for his pay and subsistance, from the 11th to the 31st August last, inclusive, 21 days, at sixty dollars per month, forty two dollars:[3]

Ordered, That the said account be paid.

Ordered, That the report of the commissioners on the accounts of John Baynton, pay master in the western district,

[1] This report is in the *Papers of the Continental Congress*, No. 136, III, folio 653.

[2] This report is in the *Papers of the Continental Congress*, No. 136, III, folio 629.

[3] This report, dated September 14, is in the *Papers of the Continental Congress*, No. 136, III, folio 645.

be referred to the Board of Treasury, who are empowered and directed to take order thereon.

Congress took into consideration the report of the committee on further ways and means of supplying the treasury, and some time being spent thereon,

Adjourned to 10 o'Clock to Morrow.

THURSDAY, SEPTEMBER 16, 1779

A memorial from Captain William Macpherson was read; Whereupon,

Resolved, That a brevet of major in the army of the United States be granted to William Macpherson, and that, while in actual service, he receive the pay and subsistence of a major.

Ordered, That Major Macpherson repair to the southern army, and receive the orders of Major General Lincoln, or the commanding officer in that department for the time being.

A letter, of the 15th, from Colonel Knobelauch was read;[1] Whereupon,

The committee to whom his memorial was referred, brought in a report, which was taken into consideration; and thereupon Congress came to the following resolution:

The Committee to whom was referred the letter from Col. Knoblauch of September 4, 1779, report:

That it appears Colonel Knoblauch was strongly recommended to Congress and General Washington, by Dr. Franklin and William Lee Esqrs. His certificates evincing at the same time, that he is a gallant, skilful and experienced officer.

That Colonel Knoblauch be informed, that although Congress entertain a high opinion of his merit, yet they find it impracticable to employ him in the armies of the United States agreeable to his wishes.

That Col. Knaublauch receive the thanks of Congress for his zeal in the Cause of America and his Willingness to serve in the army of the U. States.

[1] The memorial of Macpherson is in the *Papers of the Continental Congress*, No. 41, VI, folio 145; the letter of Knobelauch is in No. 78, XIII, folio 549.

Resolved, That although Colonel Knoblauch brought with him very respectable recommendations to a member of Congress, and to General Washington, yet it is inconsistent with the arrangement of the army to employ him agreable to his wishes.

Resolved, That Congress entertain a proper sense of Colonel Knoblauch's zeal for the cause of America, and that the sum of 10,000 dollars be paid to Colonel Knoblauch, in order to defray his expences to Europe, and those incurred during his residence in America.[1]

Resolved, That the order of 26 August, in favor of Colonel Knoblauch, be cancelled.

The Board of War, to whom was referred the letter from Major Widdersheim, brought in a report; Whereupon,

WAR OFFICE, *September 15, 1779.*

The Board having examined the memorial and credentials therewith referred by Major Widdersheim, beg leave to report,

That it appears he holds the rank set forth in his memorial; but as we are unacquainted with the encouragement given in Europe as he alleges in the year 1776, we cannot pretend to say what operation it should have. But it should seem that the period is too distant for any public offers then made to have effect at this day, so as to operate as an obligation upon the United States to give employment to officers, coming here at this stage of the war. Be this as it may, we are convinced Major Widdersheim cannot be introduced into the line of the army advantageously either to himself or the United States. We therefore propose that it be,

Resolved, That Major Widdersheim be informed that tho' Congress entertain a proper sense of his offer to enter into the service of these States, yet it is impracticable to employ him in the line of the Army consistent with the arrangement thereof.

[1] This report, in the writing of Frederick A. Muhlenberg, is in the *Papers of the Continental Congress*, No. 19, III, folio 373½. What is printed in large type was an amendment, and is on folio 373, in the writing of John Jay.

On conversing with Major Widdersheim, we find that there is the greatest reason to believe he was induced by the publication he mentions, to think he could obtain employment in this Country. He says he lost his baggage in coming from Holland to S^{t} Ustatias by shipwreck. He appears to be a modest, sensible man, and so reasonable as to acknowledge, on the circumstances of our army being stated to him, that he ought not to expect rank therein, in violation of the rights of our own officers, many of whom he must of course command if gratified in his wishes of preferment. He is therefore satisfied to return home with the disappointment, but thinks it hard he should have no indemnification for his losses, as his family is large, and they will be injured by his disbursements on his voyage. Nor is it possible for him to get to Europe without the assistance of the United States, as he has little money and no friends. We therefore beg leave to submit to Congress whether it would not be proper that the sum of Dollars be paid to Major Widdersheim to enable him to return to Europe.[1]

A letter, of this day, from William Palfrey, pay master general, was read,[2] informing that John Baynton has resigned the office of pay master for the western district, and that it is necessary another person be appointed to succeed him; Whereupon,

Congress proceeded to an election, and the ballots being taken, John Boreman was elected deputy pay master for the western district, in the room of Mr. John Baynton, resigned.

Ordered, That the letter be referred to the Board of Treasury.

The Committee of Commerce, to whom was referred the letter of P. Pennet, brought in a report,

Ordered, That it be re-committed, and that the committee take order thereon.

Congress resumed the consideration of the report of the committee on further ways and means for supplying the Treasury, and some time being spent thereon,

Adjourned to 10 oClock to Morrow.

[1] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 459.

[2] This letter is in the *Papers of the Continental Congress*, No. 165, folio 513.

FRIDAY, SEPTEMBER 17, 1779

A letter, of 12, from General Washington, was read.

A letter, of 7, from Major General Gates, was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of 11, from Major General Baron de Kalb, was read:[1]

Ordered, That it be referred to the Board of War.

Resolved, That two members be appointed to introduce the Minister to the private audience:

The members chosen, Mr. [Henry] Laurens and Mr. [Daniel of St. Thomas] Jenifer.

The Minister being introduced, took his leave in a speech, of which the following is a translation:

GENTLEMEN: The King my master, having been pleased to attend to the representations which my ill state of health obliged me to make to him, his Majesty has granted me leave to return. At the same time he has taken care to send a new Minister Plenipotentiary to America, that there may be no interruption in his care to cultivate a mutual friendship. I must leave it to the abilities of Mons^r the Chevalier de la Luzerne to explain to you his majesty's sentiments, and confine myself, at this time, in testifying to you, gentlemen, the satisfaction I shall have in rendering him an account of the occurrences which I have been witness of for more than a year during my residence with you. His majesty will thereby perceive the sentiments with which your councils are animated and governed, your wisdom, your firmness, your attachment to the alliance, and your zeal for the prosperity of the common cause and the two nations respectively. He will see with pleasure that that inestimable union, which constitutes the principal force and weight of the confederacy, reigns among the United States; that the citizens are so far from being wanting in zeal and spirit to repel incursions which can have no other object than a barbarous devastation, that there is not an American who is not sensible of the necessity of concurring to humble

[1] Washington's letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 755; de Kalb's letter, in No. 164, folio 330.

still further and weaken the common enemy, by efforts proportionate to the importance of happily terminating a glorious revolution, and of securing, as speedily as possible, to the United States of America, by a solid and honourable peace, the inestimable advantages of liberty and independence, which is the essential and fundamental object of the alliance and of the war kindled and rendered necessary by England.

It only remains for me, gentlemen, to offer you as a body and as individuals, the tribute of my thanks for the marks of confidence and esteem, and also of attention which I have received from you; I have always endeavoured to deserve them by the most sincere and zealous attachment to the interests and dignity of the United States, as well as to the principles and sentiments resulting from the alliance. I have not been wanting in zeal for every thing that could have any relation to that object, and that could farther cement the connexions, whether political or personal, between the two nations. The most flattering recompence of all my labours would be the testimony of your satisfaction.

To which the President, in behalf of Congress, returned the following answer:

Sir: We receive with much concern the intimation you have given us, that the bad state of your health obliges you to leave America: though at the same time we are sensible of the continued friendly care of his most Christian Majesty in sending a new Minister Plenipotentiary to these states.

Great as our regret is in thus parting with you, yet it affords us pleasure to think how well-disposed you are to improve the favourable opportunities you will have on your return to France, of evincing to his Majesty the reality of those sentiments on our part, which may justly be termed the animating principles of the United States.

By such representations the King will be assured, that the citizens of these states observe, with the most lively satisfaction, the repeated instances of his amity for them; that they regard the alliance as an inestimable connexion, endeared to them by the purity of the motives on which it was founded, the advantages derived from it, and the blessings it promises to both nations; that their resolution of securing its essential objects, liberty and independence, is unalterable; that they are determined by all the exertions in their power to advance the common cause, and to demonstrate that while they are attentive

to their own interests, they as ardently desire to approve themselves not only faithful but affectionate allies.

By a residence of more than a year near Congress, you are enabled to form a competent judgment of the difficulties we have had to encounter as well as of our efforts to remove them.

Sir, we should be deficient in the respect due to distinguished merit, if we should fail to embrace this opportunity of testifying the high esteem which you have obtained throughout this country by your public and private conduct. You have happily combined a vigilant devotion for the dignity and interest of our most excellent and illustrious ally, with a zealous attachment to the honor and welfare of these states.

Your prudence, integrity, ability and diligence in discharging the eminent trust reposed in you, have secured our entire confidence, and now solicit from us the strongest declarations of our satisfaction in your behaviour.

That you may be blessed with a favourable voyage, the approbation of your sovereign, the perfect recovery of your health, and all happiness, is among the warmest wishes of every member of this body.

The Marine Committee report,

"That it will be for the public benefit that Lieutenant Thomas Simpson, now commander of the ship *Ranger*, be appointed a captain in the navy of the United States."

On the question to agree to this report, the yeas and nays being required by Mr. [James] Mercer,

New Hampshire,			*New York*,		
Mr. Whipple,	ay	ay	Mr. Jay,	no	no
Peabody,	ay		Lewis,	no	
Langdon,	ay		*New Jersey*,		
Massachusetts Bay,			Mr. Witherspoon,	no	no
Mr. Holten,	no	div.	Scudder,	no	
Partridge,	ay		*Pennsylvania*,		
Rhode Island,			Mr. Armstrong,	no	no
Mr. Marchant,	ay	ay	Atlee,	no	
Connecticut,			Searle,	ay	
Mr. Huntington,	ay	no	*Delaware*,		
Root,	no		Mr. Dickinson,	no	no
Spencer,	no				

Maryland,			*North Carolina,*		
Mr. Forbes,	no	no	Mr. Harnett,	no	no
Jenifer,	no		Sharpe,	no	
Virginia,			*South Carolina,*		
Mr. Smith,	no	no	Mr. Laurens,	no	no
Griffin,	no		Mathews,	no	
Mercer,	no				
Fitzhugh,	no				

So it passed in the negative.

The Marine Committee, to whom was referred the letter from Admiral Arbuthnot, dated at New York, the 30th August, 1779, report,

That on an enquiry they find there is a person of the name of Wellbank now in the prison of this city, who was taken a pilot of the sloop *Hotham;* that there is also in the said prison a person of the name of Papley: that those persons, as well as other prisoners in general, are in comfortable rooms, provided with good provisions, and indulged with the liberty of the yard at certain hours every day, and are not "in close and cruel confinement," as is suggested in the Admiral's letter:

Resolved, That the President return an answer to Admiral Arbuthnot, and enclose him a copy of the foregoing report

The Marine Committee, to whom was referred a letter of 27 August, from Governor Livingston, enclosing a letter from Mr. Musco Livingston, report,

That it is not eligible to employ Mr. Musco Livingston in the way he proposed, and recommend that his letter and certificate be returned to Governor Livingston:

Resolved, That Congress agree to the said report.

On motion of Mr. [Henry] Laurens, seconded by Mr. [John] Armstrong,

Resolved, That in consideration of the distinguished merit of Lieutenant Colonel Talbot, a commission of captain in the navy of the United States be given him, but that his pay and rations as lieutenant colonel cease while actually employed

in the navy; and that the Marine Committee be directed to provide a proper vessel for him as soon as possible.

The Committee on the Treasury brought in a report; Whereupon,

Resolved, That five million one hundred and eighty dollars be emitted on the faith of the United States, and under the direction of the Board of Treasury, in bills of credit of the following denominations, viz.

27,028	bills of 80 dollars,	2,162,240
27,028	do. 70	1,891,960
27,028	do. 20	540,560
27,028	do. 5	135,140
27,028	do. 4	108,112
27,028	do. 3	81,084
27,028	do. 2	54,056
27,028	do. 1	27,028
		5,000,180

That the said bills, excepting the numbers, be of the same tenor and date as those emitted the 17 day of July last, and be numbered from the last number in each respective denomination progressively.

Resolved, That a farther sum of ten million and eighty dollars, be emitted under the direction of the Board of Treasury, and on the faith of the United States, in bills of credit, of the following denominations, viz.

26,316	bills of 65 dollars,	1,710,540
26,316	do. 60	1,578,960
26,316	do. 55	1,447,380
26,316	do. 50	1,315,800
26,316	do. 45	1,184,220
26,316	do. 40	1,052,640
26,316	do. 35	921,060
26,316	do. 30	789,480
		10,000,080

That the said bills, excepting the numbers, be of the same tenor and date as the emissions directed on the 14th of January last, and be numbered from the last number in every denomination progressively.

Ordered, That the Committee of Commerce forthwith report a proper allowance for the commercial and other continental agents in these United States, and that the Marine Committee and Committee of Commerce direct their respective agents forthwith to render their accounts in order for settlement.

The Committee on the Treasury, to whom was referred the letter of 8th, from the Board of War, brought in a report; Whereupon,

Resolved, That Congress entertain a just sense of the exertions of the Board of War, in superintending and directing the necessary purchases of cloathing for the army, and of their constant attention to that important business, and that it is necessary the Board should, for the present campaign, and until some more expedient arrangement can be adopted, provide by every means in their power, and upon the best terms they are able, the necessary supplies of cloathing as aforesaid.[1]

The Committee on the Treasury brought in another report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. J[oseph] Spencer, one of the delegates for the State of Connecticut, on his application, for three thousand dollars; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. [Frederick] Muhlenberg, one of the delegates for the State of Pensylvania, on his application, for fifteen hundred dollars; for which the said State is to be accountable.

[1] This report, dated September 14, is in the *Papers of the Continental Congress,* No. 136, III, folio 641.

That a warrant issue on the treasurer, in favour of the delegates for the State of North Carolina, on their application, for sixty thousand dollars, for the purpose of purchasing sundry articles for the immediate use of the North Carolina troops in the continental army; and for which the said State is to be accountable.

That a warrant issue on Nicholas Gilman, Esq. commissioner of the continental loan office, for the State of New Hampshire, in favour of Lydia Emerson, administratrix of Moses Emerson, Esq. deceased, late commissioner of accounts for the middle department, for three hundred and eighty two dollars and 30/90 of a dollar, being the amount of the funeral charges of the said Moses Emerson, deceased, for which sum his account was ordered to be credited by a resolution of Congress of the 15th instant.[1]

That a warrant issue on Thomas Smith, Esq. commissioner of the continental loan office, for the State of Pensylvania, in favour of Major General Greene, Q. M. General, on the application of Charles Pettit, assistant quarter master general, for four hundred thousand dollars, for the use of his department, for which the said General Greene is to be accountable.[2]

The Medical Committee, to whom was referred the letter of the 2d, from the Minister Plenipotentiary of France, brought in a report:

Ordered, That it be re-committed, and that they take order thereon.

The committee, to whom was referred the petition of the committees of Cumberland county, together with instructions from the senate and assembly of the State of New York to

[1] This report, dated September 16, is in the *Papers of the Continental Congress*, No. 136, III, folio 657.

[2] This report, dated September 17, is in the *Papers of the Continental Congress*, No. 136, III, folio 661.

their delegates in Congress, and other papers accompanying the same, brought in a report:

The Committee, to whom was referred the petition of the Committees from Cumberland county, together with instructions from the Senate and Assembly of the State of New York to their Delegates in Congress, and other papers accompanying the same, beg leave to report:

That they have perused and maturely considered the several papers aforesaid, and are of opinion, that the propositions and concessions in the same contained on the part of the State of New York, appear to be a sufficient foundation for the mediation of Congress between that State, the States of New Hampshire and Massachusetts Bay, and the inhabitants of the tract of country, known by the name of the New Hampshire Grants, and lately stiling themselves the State of Vermont; and they conceive that the controversy between the several parties is of such a nature as requires the immediate interposition of Congress.

Your Committee further report, That they have not been able to find any Act or Vote of Congress, which countenances the people of the New Hampshire Grants in assuming the rights or name of an independent State; but on the contrary conceive that by certain Resolves of the 30th day of June, 1777, on the subject, every Idea of that sort must be excluded.

Upon the whole therefore, they humbly submit the following Resolves for the consideration of Congress:

That Congress will proceed to hear and determine all matters in variance between the States of New York, New Hampshire, Massachusetts Bay, and the people claiming to be the State of Vermont, which have been submitted to them, both with respect to jurisdiction and soil, on Monday the day of next; of which notice shall be given to the parties by delivering them respectively a copy hereof on or before the day of October next.

That a copy of the petition from the townships in Cumberland county, and of the instructions from the General Assembly of New York to their Delegates in Congress, dated at Kingston, the 27th day of August last, be likewise transmitted to the States of New Hampshire and Massachusetts Bay, and the people claiming to be the State of Vermont.

That it be recommended to the people claiming to be the State of Vermont, to cease and desist from the exercise of any authority or power whatsoever over any person or persons, or their property, who acknowledge the jurisdiction of New York, New Hampshire, or Massachusetts Bay, until the beforementioned controversy shall be heard and determined by Congress.[1]

Ordered, That Monday next be assigned for the consideration thereof.

Congress resumed the consideration of the report of the Committee on farther ways and means for supplying the treasury; after debate,

Resolved, That it be referred to a committee of the whole.

Resolved, That on Tuesday next Congress be resolved into a committee of the whole to consider the said report.

The Marine Committee laid before Congress a letter, of 8, from the navy board in the eastern district and one, of , from Captain S. Nicholson.

Ordered, That the letter from the navy board be referred to the Marine Committee, and that they take order thereon.

That the letter from Captain Nicholson be referred to the Committee of Intelligence.

Congress resumed the consideration of the amendment on the first proviso, when,

A motion was made to extend the amendment by striking out "and," and what follows to the end of the proviso.

The question put,

Passed in the affirmative; and the words were struck out.

A motion was then made by Mr. [Meriwether] Smith, seconded by Mr. [William] Sharp, in lieu of the words struck out to insert, "and some convenient port or

[1] This report, in the writing of Thomas McKean, is in the *Papers of the Continental Congress*, No. 41, I, folio 267.

"ports, on the said river below the thirty-first degree "north latitude, free for all merchant vessels, goods, "wares, and merchandise, except for such articles as "may be enumerated and agreed upon as contraband."

On the question to insert those words, the yeas and nays being required by Mr. [Meriwether] Smith,

New Hampshire,			*Delaware,*		
Mr. Peabody,	ay	ay	Mr. Dickinson,	no	no
Massachusetts Bay,			*Maryland,*		
Mr. Holten,	no	no	Mr. Forbes,	no	no
Partridge,	no		Jenifer,	no	
Rhode Island,			*Virginia,*		
Mr. Collins,	no	no	Mr. Smith,	ay	ay
Connecticut,			Fleming,	ay	
Mr. Huntington,	no	no	Griffin,	ay	
Root,	no		Mercer,	ay	
Spencer,	no		Fitzhugh,	ay	
New York,			*North Carolina,*		
Mr. Jay,	ay	ay	Mr. Harnett,	ay	ay
Lewis,	ay		Sharpe,	ay	
New Jersey,			*South Carolina,*		
Mr. Witherspoon,	no	no	Mr. Laurens,	no	no
Pennsylvania,			Mathews,	no	
Mr. Armstrong,	no	div.			
Shippen,	no				
Atlee,	ay				
Muhlenberg,	ay				

So it passed in the negative.

On motion,

Resolved, That the remaining part of the first proviso be amended by striking out the words, "His cath- "olick majesty shall grant to;" and after "states," inserting "shall enjoy," so that it read, "Provided "always, that the United States shall enjoy the free "navigation of the river Mississippi into and from the "sea."

Question put, passed in the affirmative.

Question put to agree to the proviso as amended,

Resolved in the affirmative.

On motion of Mr. [John] Mathews, seconded by Mr. [Samuel] Huntington,

Resolved, That the second proviso be postponed.

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [Meriwether] Smith,

Resolved, That the resolution passed on Saturday last be reconsidered.

On motion of Mr. [John] Mathews, seconded by Mr. [Meriwether] Smith,

Resolved, That the resolution be amended by striking out the words, "think proper to attack them, these "United States will aid and assist his catholick majesty "in such enterprise with such provisions and naval "stores as shall be required by his catholick majesty, "and can be furnished by these states; and if his catho- "lick majesty shall;" also the words "by cession, or "by war, with or without the assistance of the allies;" so that it read, "on the contrary, if he shall obtain the "Floridas from Great Britain, these United States will "guaranty the same to his catholick majesty."

On the question to agree to the resolution as amended,

Resolved in the affirmative.

On the question to agree to the whole as amended, the yeas and nays being required by Mr. [John] Jay,

New Hampshire,			*Connecticut*,		
Mr. Peabody,	ay	ay	Mr. Root,	ay	ay
Massachusetts Bay,			*New York*,		
Mr. Gerry,	ay		Mr. Jay,	no	
Holten,	ay	ay	Lewis,	no	no
Partridge,	ay		*Pennsylvania*,		
Rhode Island,			Mr. Armstrong,	ay	
Mr. Collins,	no	no	Muhlenberg,	ay	ay[1]

[1] In the manuscript journal no vote is entered against Muhlenberg's name.

Maryland,			*North Carolina,*		
Mr. Carmichael,	no	no	Mr. Harnett,	ay	ay
Jenifer,	no		Sharpe,	ay	
Virginia,			*South Carolina,*		
Mr. Smith,	ay	ay	Mr. Mathews,	ay	ay
Fleming,	no				
J. Mercer,	ay				
Fitzhugh,	ay				

So it was resolved in the affirmative as follows:

Whereas by the treaties subsisting between his most Christian Majesty and the United States of America, a power is reserved to his Catholick Majesty to accede to the said treaties, and to participate in their stipulations at such time as he shall judge proper; it being well understood, nevertheless, that if any of the stipulations of the said treaties are not agreeable to the King of Spain, his Catholick Majesty may propose other conditions analogous to the principal aim of the alliance, and conformable to the rules of equality, reciprocity and friendship. ~~[Congress is sensible of the friendly regard to these states manifested by his most Christian Majesty in reserving a power to his Catholic Majesty of acceding to the alliance entered into between his Most Christian Majesty and these United States]~~[1]

And whereas, should his Catholick majesty accede to the said treaties without any alteration, he must be under the necessity of renouncing forever all claims to the possession of the Floridas, of the utmost consequence to his kingdom, and more particularly to his American dominions. In order, therefore, that nothing may be wanting on the part of these states to further a treaty of alliance, and of amity and commerce with his Catholick Majesty consistent with the engagements of the said

[1] The words in brackets were in the original draught, but the succeeding sentence was substituted for them.

states, and agreeable to his most Christian Majesty their ally:

Resolved, That if his Catholick Majesty shall accede to the said treaties, and in concurrence with France and the United States of America, continue the present war with Great Britain for the purpose expressed in the treaties aforesaid, he shall not thereby be precluded from securing to himself the Floridas: On the contrary, if he shall obtain the Floridas from Great Britain, these United States will guaranty the same to his Catholick Majesty: Provided always, that the United States shall enjoy the free navigation of the river Mississippi into and from the sea.

You are therefore to communicate to his Most Christian Majesty the desire of Congress to enter into a Treaty of Alliance and of amity and Commeree with his Catholic Majesty, and to request his favorable interposition for that purpose. At the same time, you are to make such proposals to his Catholic Majesty as in your Judgment from circumstances will be proper for obtaining for the United States of America equal advantages with those which are secured to them by the Treaties with his Most Christian Majesty; observing always the resolution aforesaid as the Ultimatum of these United States. You are particularly to endeavor to obtain some convenient port or ports below the 31st Degree of North Latitude on the River Mississippi, free for all merchant vessels, goods, wares and merchandizes, belonging to the Inhabitants of these States. ~~But this you are not to insist on.~~

The distressed State of our Finances, and the great depreciation of our paper Money incline Congress to hope that his Catholic Majesty, if he shall conclude a Treaty with these States, will be induced to lend them money. You are therefore to Represent to him, the great distress of these States on that account, and to solicit a Loan of 5,000,000 of Dollars upon the best terms in your power, not exceeding an interest of 6 per. cent., effectually to enable them to cooperate with the Allies against the Common Enemy.[1]

[1] These instructions, in the writing of Meriwether Smith, are in the *Papers of the Continental Congress*, No. 25, I, folio 325. They are endorsed "Agreed to September 20, 1779."

Resolved, That a committee be appointed to prepare instructions conformable to the foregoing resolution.

The members chosen—Mr. [Meriwether] Smith, Mr. [John] Mathews, Mr. [Elbridge] Gerry.

The honourable sieur Gérard, minister plenipotentiary of France, having on the 15th desired an audience in the course of this week, in order that he might take his leave; and Congress having assigned this day for granting him a private audience, but in full Congress, for the purpose, the minister was introduced by Mr. [Henry] Laurens and Mr. [Daniel of St Thomas] Jenifer, and took his leave in a speech of which the following is a translation.[1]

[See the publick journal.]

Congress also agreed, unanimously, to the following letter to his most christian majesty.

Great faithful and beloved Friend and Ally: The conduct of your Majesty's Minister, the Sieur Gérard, during his Residence in America, has been in every respect so commendable, that we cannot forbear testifying to your Majesty our sense of his merit, without feeling that uneasiness which arises from a neglect of the obligations of Justice.

His behavior appears to us to have been uniformly regulated by a devotion to your Majesty's Dignity and Interest, and an adherence to the terms and principles of the Alliance, while at the same time he demonstrated his attachment to the honor and prosperity of these States.

Thus, serving his Sovereign, he acquired our entire confidence and esteem, and has evinced your royal wisdom in selecting a person so properly qualified to be the first Minister sent to the United States of America.

[1] This paragraph is not in the manuscript, but is taken from the printed journal. The speech is printed on p. 1072 *ante*.

That the Supreme Ruler of the Universe may bestow all happiness on your Majesty is the prayer of your faithful and affectionate friends and allies.

Done at Philadelphia the Day of , 1779, by the Congress of the United States of America.[1]

Adjourned to 10 o'Clock to Morrow.

SATURDAY, SEPTEMBER 18, 1779

A letter, of this day, signed John Bull and Charles Willson Peale, was read, asserting the charge against them contained in a letter from Edward Langworthy, of the 25th July, to be "groundless, erroneous and unjust", and that "their conduct respecting that affair had been fully investigated before the hon[ble] chief justice of this State, and they believed, appeared deserving the approbation of every good man rather than the censure of any." [2]

Congress resumed the consideration of foreign affairs, and some time being spent thereon,

Adjourned to 9 o'Clock on Monday.

MONDAY, SEPTEMBER 20, 1779

A letter, of 18, from Christopher Hele, was read:

Ordered, That it be referred to the Marine Committee, and that they take order thereon.

A letter, of 14, from General Washington, was read:

Ordered, That it be referred to the committee appointed to correspond with Major General Lincoln.

[1] This letter, in the writing of John Dickinson, is in the *Papers of the Continental Congress*, No. 25, I, folio 159. It is printed in the *Secret Journals, Foreign*, Vol. II, p. 250.

These proceedings on foreign affairs were entered only in the manuscript Secret Journal, Foreign Affairs.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, III, folio 337.

A memorial from Thomas Potts, was read:[1]

Ordered, That it be referred to the Board of War.

A letter from Captain Robert Niles and a narrative of his voyage to France in the schooner *Spy*, with his accounts inclosed, were laid before Congress:

Ordered, That the same be referred to the Board of Treasury.

The committee appointed to correspond with Major General Lincoln, to whom was referred the letter of 7th from General Washington, brought in a report; Whereupon,[2]

Resolved, That it is expedient and necessary to detach the North Carolina troops, now at or near West Point, to join the troops under the command of Major General Lincoln in South Carolina, and that the pleasure of Congress be signified thereon to the Commander in Chief.

That a Naval force within the Harbor of Charles Town, in South Carolina, is essential to the safety of that Capital in particular, and would in a great measure preserve the most valuable parts of the Sea Coast of the State; and by judicious movements from the said harbor may greatly contribute to the recovery of the State of Georgia in the present weak condition of the Enemy in that quarter.

The second paragraph being amended, a division was called for; and on the question to agree to the first clause, the yeas and nays being required by Mr. [William] Sharpe,

New Hampshire,			*Connecticut*,		
Mr. Peabody,	ay	ay	Mr. Huntington,	ay	ay
Massachusetts Bay,			Root,	ay	
Mr. Gerry,	no		*New York*,		
Holten,	ay	no	Mr. Jay,	no	div.
Partridge,	no		Lewis,	ay	
Rhode Island,					
Mr. Collins,	no	no			

[1] Washington's letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 21; Potts's memorial, in No. 41, VIII, folio 78.

[2] The report and proceedings are marked "secret" in the margin.

Pennsylvania,			*North Carolina,*		
Mr. Armstrong,	ay	ay	Mr. Harnett,	ay	ay
Shippen,	ay		Hewes,	ay	
Atlee,	ay		Sharpe,	ay	
Muhlenberg,	ay		*South Carolina,*		
Maryland,			Mr. Laurens,	ay	ay
Mr. Carmichael,	no	no	Mathews,	ay	
Forbes,	no				
Jenifer,	no				
Virginia,					
Mr. Griffin,	ay	ay			
Mercer,	ay				
Fitzhugh,	ay				

So it was resolved in the affirmative.

That three of the continental frigates or ships of war, now in the port of Boston, or elsewhere in the eastern states, be ordered to repair to South Carolina, with all possible expedition, after having received on board at such place as the Marine Committee shall appoint, as many of the North Carolina troops, with stores and baggage, as the said frigates or ships of war can safely accommodate, and taking under their protection one or more transport or transports, if necessary to be employed for conducting such of the said troops and necessary stores for the voyage, as the three frigates or ships of war cannot conveniently receive or take on board.

On the question to agree to the latter clause, from the word "expedition," the yeas and nays being required by Mr. [Henry] Laurens,

New Hampshire,			*New York,*		
Mr. Peabody,	ay	ay	Mr. Jay,	no	no
Massachusetts Bay,			Lewis,	no	
Mr. Lovell,	ay	div.	*Pennsylvania,*		
Holten,	no		Mr. Armstrong,	ay	ay
Connecticut,			Atlee,	ay	
Mr. Root,	ay	ay	Muhlenberg,	ay	

Maryland,			*North Carolina,*		
Mr. Carmichael,	no	no	Mr. Harnett,	ay	ay
Forbes,	no		Hewes,	ay	
Jenifer,	no		Sharpe,	no	
Virginia,			*South Carolina,*		
Mr. Smith,	no	ay	Mr. Laurens,	ay	ay
Griffin,	ay		Mathews,	ay	
Mercer,	ay				
Fitzhugh,	ay				

So it was resolved in the affirmative.

Resolved, That the Marine Committee be directed to immediately to take order for hiring such transports as shall be found necessary, and for despatching the said frigates or ships of war with their convoy without delay:

That the Commander in Chief be directed to order the North Carolina troops to proceed to such place or places as the Marine Committee shall advise:

That the Marine Committee be directed to give orders to the several Commanders of the Frigates aforementioned, upon their arrival in South Carolina, to address himself to Major General Lincoln, or to the Commanding Officer of the Continental troops in South Carolina and Georgia for the time being, and to follow such orders and directions as he shall from time to time receive from such Commanding Officer.

That the Marine Committee be directed to give orders to the commanding officer of the frigates or ships of war going to South Carolina, to confer and co-operate with Major General Lincoln, or the commanding officer for the time being, till further orders from the Marine Committee:[1]

That the said commanding officer be directed to confer on all naval operations with the governor and executive council of the State of South Carolina, and that it be recommended to the said State to afford every practicable and necessary aid and assistance for promoting and effectuating such operations.[2]

[1] A substitute clause, in the writing of James Lovell.

[2] This report, in the writing of Henry Laurens, is in the *Papers of the Continental Congress*, No. 19, VI, folio 277.

On the question to agree to the whole set of resolutions on the report, the yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,			*Maryland,*		
Mr. Peabody,	ay	ay	Mr. Carmichael,	no	
Massachusetts Bay,			Forbes,	no	no
Mr. Gerry,	no		Jenifer,	no	
Holten,	ay	no	*Virginia,*		
Partridge,	no		Mr. Smith,	no	
Rhode Island,			Griffin,	ay	
Mr. Collins,	ay	ay	Mercer,	ay	ay
Connecticut,			Fitzhugh,	ay	
Mr. Root,	ay	ay	*North Carolina,*		
New York,			Mr. Harnett,	ay	
Mr. Jay,	no		Hewes,	ay	ay
Lewis,	ay	div.	Sharpe,	ay	
Pennsylvania,			*South Carolina,*		
Mr. Armstrong,	ay		Mr. Laurens,	ay	
Atlee,	ay	ay	Mathews,	ay	ay
Muhlenberg,	ay				

So it was resolved in the affirmative.

Resolved, That the report of the committee on the petition from Cumberland, &c. be referred to a committee of the whole.

Resolved, That on Wednesday next immediately after reading the journal, Congress be resolved into a committee of the whole to consider the said report.

Congress proceeded in the consideration of foreign affairs, and some time being spent thereon.[1]

Adjourned to 10 o'Clock to Morrow.

TUESDAY, SEPTEMBER 21, 1779

A letter, of 2d, from the council of Massachusetts bay, was read.

A memorial of William Hurrie was read:

Ordered, That it be referred to the Board of Treasury.

[1] See note on p. 1094 *ante*.

A letter, of 18, from Daniel Pendleton, captain of artificers, was read;[1] Whereupon,

A report of the Board of War relative to the quarter master's artificers was called for, and read;

And some time being spent thereon,

Ordered, That the farther consideration thereof be postponed.

A letter from Elihu Trowbridge was read:

Ordered, That they be referred to the Marine Committee, and that they take order thereon.

A letter, of 9th, from the navy board in the eastern district, was read:[2]

Ordered, That it be referred to the Board of Treasury, and that they take order thereon.

A report from the Board of War on the letter from Brigadier Hogan, relative to cloathing for the officers of the North Carolina brigade, was read; and

WAR OFFICE, *September 16, 1779.*

In consequence of the reference from Congress of General Hogan's letter relative to the supplies for the North Carolina Officers, we sent the enclosed to our agent clothier M[r] Caldwell. His answer is herewith transmitted, whereby it appears no materials for clothing the officers are in store. We therefore have nothing in our power, unless it be to recommend to Congress the Loan of the money necessary to purchase the articles, the State of North Carolina to be accountable. But whether this is consistent with the present situation of our finances we cannot, if it were proper for us so to do, determine.[3]

On motion of Mr. [Joseph] Hewes, seconded by Mr. [Cornelius] Harnett,

[1] The letter of the Massachusetts council is in the *Papers of the Continental Congress*, No. 65, I, folio 404; Hurrie's memorial, in No. 41, IV, folio 93; Pendleton's letter, in No. 78, XVIII, folio 247.

[2] This letter is in the *Papers of the Continental Congress*, No. 37, folio 143.

[3] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 463. The inclosure is on folio 467.

Resolved, That one hundred thousand dollars be advanced to the delegates of North Carolina, for the purpose of purchasing cloathing for the officers of the North Carolina brigade, and that the same be charged to the said State of North Carolina, which is to be accountable.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. J[ohn] Collins, one of the delegates for the State of Rhode Island, on his application, for four thousand dollars; for which the said State is to be accountable.[1]

According to order, Congress was resolved into a committee of the whole, and after some time, the President resumed the chair, and Mr. [Daniel of St. Thomas] Jenifer reported that the committee have had under consideration the report of the committee on ways and means and made some progress, but not having come to a conclusion, desire leave to sit again.

In Committee of the whole on further ways and means for supplying the Treasury. September 21, 1779.

The report of the Committee on the subject which was by Congress referred to this Committee was read.

A motion was then made by M^r. [Meriwether] Smith, seconded by M^r. [James] Mercer, to postpone the consideration of the report of the Committee referred to this Committee, in order to take into consideration a plan which he had in his hand, and which for the information of the Committee, he read in his place, and laid on the table. This plan being again read at the table,

Question, Shall the consideration of the report referred to this Committee be postponed.

After Debate, the motion was withdrawn.

A motion was then made to strike out "March" and insert "February." Question put passed in the negative.[2]

[1] This report, dated September 18, is in the *Papers of the Continental Congress*, No. 136, III, folio 663.

[2] This record, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 26, folio 67.

Resolved, That on Thursday next Congress be resolved into a committee of the whole to consider farther the report of the committee on ways and means &c.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, SEPTEMBER 22, 1779

The Marine Committee report, That on maturely considering the resolutions of Congress, of the 20th instant relative to the transportation of the North Carolina troops by sea, to South Carolina, they find so many difficulties opposed to their carrying the same into execution, as to induce them to recommend the sending the frigates immediately from Boston to South Carolina, and ordering the North Carolina troops to proceed thither by the most expeditious route: Whereupon,

Resolved, That the Marine Committee be directed to order the three frigates or ships of war, mentioned in the resolutions of Congress of the 20th instant, to proceed from Boston immediately to South Carolina.

That the North Carolina troops be ordered to proceed by the most expeditious route to South Carolina.

Resolved, That it be earnestly recommended to the governour of the State of North Carolina to use every means to prevent the desertion of the said troops whilst marching through that State; and that he at the same time take such measures as will be most effectual for filling up the said battalions to their full complement of men; but that the march of the troops be on no account delayed for this, or any other purpose.[1]

The Committee of Commerce having informed Congress that a prize, captured by a continental ship of war, is carried into Boston, on board of which is a quantity of wine,

[1] Entered only in the manuscript Secret Domestic Journal.

Resolved, That the Committee of Commerce be directed to give orders for procuring a division of the said wine; and that the part thereof belonging to the continent be preserved for the use of the army of the United States.

According to the order of the day, Congress was resolved into a committee of the whole, and after some time, the President resumed the chair and Mr. [Daniel of St. Thomas] Jenifer reported that the committee have had under consideration the report of the committee on the petition from Cumberland county, &c. and made some progress therein, but not having come to a conclusion desire leave to sit again.

Resolved, That to morrow morning Congress be again resolved into a committee of the whole to consider farther the report of the committee on the petition from Cumberland, &c.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, SEPTEMBER 23, 1779

According to order, Congress was resolved into a committee of the whole, and after some time the President resumed the chair and Mr. [Daniel of St. Thomas] Jenifer reported, that the committee have had under consideration the report of the committee on the petition from Cumberland county, &c. and have come to sundry resolutions thereon:

The resolutions agreed to in committee of the whole being read,

Ordered, That the consideration thereof be postponed till to morrow, and that immediately after reading the journal, the same be taken up.

Congress took into consideration the report of the committee on General Washington's letter, of 23 August, and some time being spent thereon,

Ordered, That the farther consideration thereof be postponed.

Congress proceeded in the consideration of foreign affairs, and some time being spent thereon,

Adjourned to 10 o'Clock to Morrow.

FRIDAY, SEPTEMBER 24, 1779

Congress took into consideration the resolutions reported from the committee of the whole, which were agreed to as follows:

Whereas, on the first day of June last, Congress, by a certain resolution, reciting "that whereas divers applications had been made to Congress on the part of the State of New York, and of the State of New Hampshire, relative to disturbances and animosities among inhabitants of a certain district known by the name of the New Hampshire Grants," praying their interference for quieting thereof, did resolve, "that a committee be appointed to repair to the New Hampshire Grants and enquire into the reasons why they refuse to continue citizens of the respective states which heretofore exercised jurisdiction over the said district; for that, as Congress are in duty bound, on the one hand, to preserve inviolate the rights of the several states, so, on the other, they will always be careful to provide that the justice due to the states does not interfere with the justice which may be due to individuals: that the said committee confer with the said inhabitants, and that they take every prudent measure to promote an amicable settlement of all differences, and prevent divisions and animosities so prejudicial to the United States:" and did farther resolve, "that the farther consideration of this subject be postponed until the said committee shall have made report."

And whereas it so happened that a majority of the committee appointed in pursuance of the afore-mentioned resolution, did not meet in the said district, and therefore have never executed the business committed to them, or made a regular report thereupon to Congress:

And whereas the animosities aforesaid have lately proceeded so far, and risen so high as to endanger the internal peace of the United States, which renders it indispensably necessary for Congress to interpose for the restoration of quiet and good order.

Ordered, That the said committee be discharged.

And whereas one of the great objects of the union of the United States of America is the mutual protection and security of their respective rights; and whereas it is of the last importance to the said union, that all causes of jealousy and discontent between the said states should be removed; and therefore that their several boundaries and jurisdictions be ascertained and settled: and whereas disputes at present subsist between the states of New Hampshire, Massachusetts Bay, and New York, on the one part, and the people of a district of country called New Hampshire Grants, on the other, which people deny the jurisdiction of each of the said states over the said district, and each of the said states claim the said district against each other as well as against the said people, as appertaining in the whole or in part to them respectively:

Resolved, unanimously, That it be, and hereby is, most earnestly recommended to the states of New Hampshire, Massachusetts Bay, and New York, forthwith to pass laws expressly authorizing Congress to hear and determine all differences between them relative to their respective boundaries, in the mode prescribed by the articles of confederation, so that Congress may proceed thereon by the first day of February next at the farthest: and further, that the said

states of New Hampshire, Massachusetts Bay, and New York, do, by express laws for the purpose, refer to the decision of Congress all differences or disputes relative to jurisdiction, which they may respectively have with the people of the district aforesaid, so that Congress may proceed thereon on the said first day of February next, and also to authorize Congress to proceed to hear and determine all disputes subsisting between the grantees of the several states aforesaid, with one another or with either of the said states, respecting title to lands lying in the said district, to be heard and determined in the mode prescribed for such cases by the articles of confederation aforesaid: and further, to provide that no advantage be taken of the non-performance of the conditions of any of the grants of the said lands, but that further reasonable time be allowed for fulfilling such conditions.

Resolved, unanimously, That Congress will, and hereby do, pledge their faith to carry into execution and support their decisions and determinations in the premises, in favour of whichsoever of the parties the same may be, to the end, that permanent concord and harmony may be established between them, and all cause of uneasiness removed.

Resolved, unanimously, That Congress will, on the said first day of February next, proceed, without delay, to hear and examine into the disputes and differences relative to jurisdiction aforesaid, between the said three states respectively, or such of them as shall pass the laws before-mentioned on the one part, and the people of the district aforesaid who claim to be a separate jurisdiction on the other; and, after a full and fair hearing, will decide and determine the same according to equity; and that neither of the said states shall vote on any question relative to the decision thereof. And Congress do hereby pledge their faith to execute and support their decisions and determinations in the premises.

And whereas it is essential to the interest of the whole confederacy, that all intestine dissentions be carefully avoided, and domestic peace and good order maintained:

Resolved, unanimously, That it is the duty of the people of the district aforesaid, who deny the jurisdiction of all the afore-named states, to abstain in the mean time from exercising any power over any of the inhabitants of the said district who profess themselves to be citizens of, or to owe allegiance to, any or either of the said states: but that none of the towns, either on the east or west side of Connecticut river, be considered as included within the said district, but such as have heretofore actually joined in denying the jurisdiction of either of the said states, and have assumed a separate jurisdiction which they call the State of Vermont. And further, that in the opinion of Congress, the said three states aforenamed ought, in the mean time, to suspend executing their laws over any of the inhabitants of the said district, except such of them as shall profess allegiance to, and confess the jurisdiction of, the same respectively. And further, that Congress will consider any violences committed against the tenor, true intent and meaning of this resolution as a breach of the peace of the confederacy, which they are determined ~~at every Hazard and with the whole Power of the United States~~ to keep and maintain. ~~and consequently must and will treat as open enemies all such of the People of the said District as shall violate the same.~~ And to the end, that all such violences and breaches of the public peace may be the better avoided in the said district, it is hereby recommended to all the inhabitants thereof, to cultivate harmony and concord among themselves, to forbear vexing each other at law or otherwise, and to give as little occasion as possible to the interposition of magistrates.

Resolved, That the Commander in Chief be and hereby is authorized to provide that until the Decision of Congress in the Premises, the

public Peace be kept in the said District according to the true Intent and Meaning of the above Resolution. And that all officers and soldiers in the service of the United States be particularly cautious not to interfere in any Disputes in the said District without express orders from Congress or the Commander in Chief.

Resolved, unanimously, That in the opinion of Congress, no unappropriated lands or estates which are or may be adjudged forfeited or confiscated, lying in the said district, ought, until the final decision of Congress in the premises, to be granted or sold.

Ordered, That copies of the aforegoing resolutions be sent by express to the states of New York, New Hampshire, and Massachusetts Bay, and to the people of the district aforesaid, and that they be respectively desired to lose no time in appointing their agent or agents and otherwise preparing for the hearings aforesaid.[1]

The aforesaid resolutions being read over, and a question taken to agree to the whole,

Resolved, unanimously in the affirmative.

Congress resumed the consideration of the report of the committee on the letter of 23 August from General Washington, and the papers therein enclosed; Whereupon,

Resolved, That the thanks of Congress be given to his Excellency General Washington, for ordering, with so much wisdom, the late attack on the enemy's fort and works at Powles Hook.

Resolved, That the thanks of Congress be given to Major General Lord Stirling, for the judicious measures taken by him to forward the enterprize and to secure the retreat of the party.

Resolved, That the thanks of Congress be given to Major Lee, for the remarkable prudence, address and bravery displayed by him on the occasion; and that they approve the

[1] These resolutions, in the writing of John Jay, are in the *Papers of the Continental Congress*, No. 40, I, folios 289 and 292.

humanity shewn in circumstances prompting to severity, as honourable to the arms of the United States, and correspondent to the noble principles on which they were assumed.

Resolved, That Congress entertain a high sense of the discipline, fortitude and spirit manifested by the officers and soldiers under the command of Major Lee, in the march, action and retreat; and while with singular satisfaction they acknowledge the merit of these gallant men, they feel an additional pleasure by considering them as part of an army, in which very many brave officers and soldiers have proved, by their cheerful performance of every duty under every difficulty, that they ardently wish to give the truly glorious examples they now receive.

Resolved, That Congress commend the conduct of Major Clark, Captains Handy, Forsyth, Reed, McClean, Smith, Crump, Wilmot, Bradford and Rudolph, and of Lieutenants Armstrong and Reed, who properly improved the several opportunities afforded them of serving their country, and acquiring Honor themselves.

Rejected Sept. 23

Resolved, That Congress justly esteem the military caution so happily combined with daring activity by Lieutenants M'Callister and Rudolph, in leading on the forlorn hope.

Resolved, That a brevet of lieutenant colonel be given to Major Lee

Postponed

Resolved, That a brevet and the pay and subsistance of captain be given to Lieutenant McCallister and to Lieutenant Rudolph.

Resolved, That the sum of ~~two~~ one hundred dollars for every prisoner be put into the hands of Major Lee, to be by him distributed among the ~~Sergeants, Drums, Rank and File~~ non-commissioned officers and soldiers &c. of his Detachment, in such manner as the Commander in Chief shall direct.[1]

Resolved, That a medal of gold, emblematical of this affair, be struck, under the direction of the Board of Treasury, and presented to Major Lee.

[1] This report, in the writing of John Dickinson, is in the *Papers of the Continental Congress,* No. 19, VI, folio 269*. The first four paragraphs were agreed to on September 23.

Resolved, That the brevet and the pay and subsistence of captain, be given to Lieutenant M'Callister and to Lieutenant Rudolph respectively.

A motion having been made, that the sum of one hundred dollars for every prisoner be put into the hands of Major Lee, to be by him distributed among the non-commissioned officers and soldiers of his detachment, in such manner as the Commander in Chief shall direct:

On the question to agree thereto, the yeas and nays being required by Mr. [John] Jay,

New Hampshire,			
Mr. Peabody,	ay	ay	
Massachusetts Bay,			
Mr. Holten,	ay	ay	
Partridge,	ay		
Rhode Island,			
Mr. Collins,	no	no	
Connecticut,			
Mr. Huntington,	no	no	
Root,	no		
New York,			
Mr. Jay,	no	div.	
Lewis,	ay		
New Jersey,			
Mr. Houston,	no	*	
Pennsylvania,			
Mr. Armstrong,	ay	no	
Shippen,	no		
Muhlenberg,	no		
Delaware,			
Mr. Dickinson,	ay	ay	
Maryland,			
Mr. Carmichael,	no	no	
Forbes,	no		
Jenifer,	no		
Virginia,			
Mr. Smith,	no	no	
Griffin,	no		
Fleming,	no		
Mercer,	ay		
Fitzhugh,	ay		
North Carolina,			
Mr. Harnett,	ay	ay	
Hewes,	no		
Sharpe,	ay		
South Carolina,			
Mr. Laurens,	ay	ay	
Mathews,	ay		

So the states were equally divided, and the question lost.

On motion of Mr. [William] Atlee, seconded by Mr. [Henry] Laurens,

Resolved, That the sum of fifteen thousand dollars be put into the hands of Major Lee, to be by him distributed among

the non-commissioned officers and soldiers of the detachment he commanded at the attack and surprise of Powles Hook, in such manner as the Commander in Chief shall direct.

A letter of Major Aug. des Epiniers was read, praying, as circumstances prevented his making use of the leave of absence which Congress were pleased to grant him in December last, that the same be now renewed: [1] Whereupon,

Resolved, That Major Aug. des Epiniers have leave of absence for six months, to commence from the time of his leaving America.

On motion of Mr. [James] Mercer, seconded by Mr. [James] Forbes,

Resolved, That the pay and subsistence of captains be allowed to Lieutenants Gibbons and Knox, the officers who led on the forlorn hope in the late attack on Stoney Point, and also to Mr. Archer, the bearer of the general's letter and volunteer aid, to commence from the date of their respective commissions of brevets, voted by Congress the 26 day of July last.

A letter, of 18, from General Washington, was read: [2]

At a Board of War, *September 19, 1779*.

Present: Col. Pickering and M[r]. Peters.

The Board beg leave to report,

That the Chevalier de Colombe who holds the rank of Captain in the service of the United States, has served in quality of Aid de Camp first to the Marquis de la Fayette, and the last campaign to the Baron de Kalb. That he has been three campaigns in America and has produced ample testimonies of his good conduct. He was left in America for public purposes by the Marquis, and was not fortunate enough to obtain promotion at the time the others of the Marquis's family received their brevets. He appears to be a worthy man and much in the confidence of the Marquis, who has wrote for him to return to France; previous to which he is desirous of receiving the Brevet of

[1] This letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 261.

[2] This letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 27.

major, and requests Congress will put him on a footing with those Officers who received their promotion on their departure to France.

If Congress shall be of opinion that an exception to the Resolve as to granting of Brevets should be made in his case we take the liberty of reporting,

That Captain le Chevalier de Colombe, having served with reputation in the armies of the United States for three Campaigns, receive the Brevet rank of Major, as a testimony of the good opinion Congress entertain of his Merit and Services.[1]

Congress proceeded in the consideration of foreign affairs, and some time being spent thereon,

Adjourned to 10 o'Clock to Morrow.

SATURDAY, SEPTEMBER 25, 1779

A letter, of 19th, from General Washington, and a letter, of 24, from E. Fox, which was laid before Congress by the delegates of Maryland, were read:[2]

Ordered, That a copy of the latter, and an extract from the General's letter, as far as it relates to an embarkation at New York be transmitted to the governors of Maryland and of other states to the southward.

A letter, of 20, from the governor of New Jersey, was read:

Ordered, That the same, together with the papers enclosed, be referred to the delegates of Maryland.

A letter, of 19, from Major General Greene, Q. M. G., and a petition of Monsr. L'Eglize, and a memorial of Quarter Master [William] Honeyman, and Adjutant [Jonathan] Pugh of the invalid regiment, were read:

Ordered, That they be referred to the Board of War.

[1] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 481. It bears the following endorsement: "September, 24, 1779. A question taken on the resolution for granting a Brevet of Major to Cap[t] Colombe, 8 ayes, 3 Noes lost; the resolution of 20[th] February, 1779, requiring the votes of nine States."

[2] The Washington letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 33; that of Fox is in No. 78, IX, folio 287

A petition of Captain Alexander McCaraher, was read:[1]

Ordered, That it be referred to the Board of Treasury.

A memorial of Captain W. Irwin, was read:

Ordered, That it be referred to the Marine Committee, to take order thereon.

A letter from Joseph Carleton was read.

A petition of Major de Bois and a memorial from Major Widdersheim, were read:[2]

Ordered, To lie on the table.

The committee to whom was referred intelligence communicated by the honorable Mr. Gérard, minister plenipotentiary of France, brought in a report; Whereupon,

The Committee, to whom was referred the paper of intelligence communicated by the Honorable the Sieur Gérard, on the 7th Inst., beg leave to report the following draught of a letter in answer to the Said communication:

Sir: The sentiments contained in the paper laid before Congress, on the 7th Inst., have given us great uneasiness, as they admit the possibility of an event which we cannot contemplate without pain and regret. Nevertheless as they demonstrate the anxieties of a faithful friend, Congress are willing again to testify their unalterable attachment to the terms and principles of the Alliance, more especially as we wish you on leaving America, to take with you a solemn assurance of our fixed dispositions.

However great and desireable an object peace may be, we will never purchase it with infamy and reproach, and were every other motive to a persistence in our engagements removed, the treatment we have received from a Nation, who have violated every principle of Justice and humanity would of itself determine us. But we have higher obligations, the interest of our country, affection for our Ally, and above all, our faith solemnly pledged. These assurances we are happy to give not only as individuals, not only as an American

[1] Greene's letter is in the *Papers of the Continental Congress*, No. 155, I, folio 171; the memorial of L'Eglize, dated the 15th, in No. 42, IV, folio 212; that of Honeyman, in No. 41, IV, folio 95; that of McCaraher, dated the 23d, in No. 42, V, folio 167.

[2] The Carleton letter is in the *Papers of the Continental Congress*, No. 60, folio 3; De Bois's petition, dated the 24th, in No. 42, I, folio 185; that of Widdersheim, dated the 22d, in No. 41, X, folio 395.

assembly, but as Representatives of a virtuous and determined people whose sentiments we express.

Reposing ourselves upon that almighty power whose interposition on our behalf we have so often seen and adored, confident of the unanimity and zeal of our fellow citizens throughout these States, assured of the assistance and support of our Great Ally, relying that the good and brave every where regard our cause with interested attention, and in fine decided to oppose to the last the unjust claims of a proud and cruel nation, we firmly repeat what we have already declared, that no offers of advantage, however great and alluring, no extremes of danger however alarming, shall induce us to violate the Faith we have given, and the resolutions we have adopted, for the observance of which we have solemnly pledged our lives, our fortunes and our sacred honour.[1]

Resolved, That the President return Mr. Gérard the following answer:

Sir, Congress feel themselves obliged by your communication of the 7th instant, and are happy that Mr. Gérard will be able to contradict, from the fullest evidence, every insinuation which may be made prejudicial to the faith and honor of the United States.

Congress proceeded in the consideration of foreign affairs, and some time being spent thereon,

Congress resumed the consideration of their foreign affairs.

A motion was made by Mr. [John] Mathews, seconded by Mr. [Elbridge] Gerry,

That Congress will not appoint any person, being a member of Congress, to any office under the United States, for which he, or another for him, is to receive any salary, fees, or emolument of any kind.[1]

[1] This report and draught, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 25, I, folio 161. It is endorsed: "After debate another short letter substituted in its place."[32]

[1] In the manuscript journal the first phrase was thus modified, "within six months after he shall be a member of Congress," but those words were struck out.

A motion was made by Mr. [Nathaniel] Peabody, seconded by Mr. [Elbridge] Gerry,

That after the words "a member of Congress," be inserted, "or within nine months after he shall be a "member of Congress." And on the question to agree to this amendment, the yeas and nays being required by Mr. [Nathaniel] Peabody,

New Hampshire,			*Maryland,*		
Mr. Peabody,	ay	ay	Mr. Paca,	no	
Massachusetts Bay,			Forbes,	no	no
Mr. Gerry,	ay		Jenifer,	no	
Lovell,	ay	ay	*Virginia,*		
Rhode Island,			Mr. Smith,	no	
Mr. Marchant,	no		Griffin,	no	
Collins,	no	no	Mercer,	no	no
Connecticut,			Fitzhugh,	no	
Mr. Huntington,	no		*North Carolina,*		
Root,	no	no	Mr. Harnett,	no	
New York,			Hewes,	no	no
Mr. Jay,	ay		Sharpe,	no	
Lewis,	ay	ay	*South Carolina,*		
New Jersey,			Mr. Laurenst,	no	
Mr. Fell,	no		Mathews,	ay	div.
Houston,	no	no			
Pennsylvania,					
Mr. Armstrong,	no				
Shippen,	ay				
Atlee,	no	no			
Muhlenberg,	no				

So it passed in the negative.

When the main question was about to be put, the previous question was moved by Mr. [Meriwether] Smith, seconded by Mr. [Henry] Laurens; and on the question to agree to the previous question, the yeas and nays being required by Mr. [Henry] Laurens,

New Hampshire,			*Maryland,*		
Mr. Peabody,	no	no	Mr. Paca,	no	
Massachusetts Bay,			Forbes,	ay	ay
Mr. Gerry,	no		Jenifer,	ay	
Lovell,	no	no	*Virginia,*		
Rhode Island,			Mr. Smith,	ay	
Mr. Marchant,	ay		Griffin,	ay	
Collins,	ay	ay	Mercer,	ay	ay
Connecticut,			Fitzhugh,	ay	
Mr. Huntington,	ay		*North Carolina,*		
Root,	ay	ay	Mr. Harnett,	ay	
New York,			Hewes,	ay	ay
Mr. Jay,	ay		Sharpe,	ay	
Lewis,	ay	ay	*South Carolina,*		
New Jersey,			Mr. Laurens,	ay	
Mr. Fell,	ay		Mathews,	no	div.
Houston,	ay	ay			
Pennsylvania,					
Mr. Armstrong,	ay				
Shippen,	ay				
Atlee,	ay	ay			
Muhlenberg,	ay				

So it was resolved in the affirmative, and the main question was set aside.

Resolved, That Congress proceed to morrow to the election of a proper person for negotiating a treaty of peace, and that persons be immediately put in nomination:

Whereupon, Mr. John Adams was nominated by Mr. [Henry] Laurens; Mr. J[ohn] Jay, by Mr. [Meriwether] Smith.[1]

Adjourned to 10 o'Clock to Morrow.

[1] These proceedings were entered only in the manuscript Secret Journal, Foreign Affairs.

SUNDAY, SEPTEMBER 26, 1779

The President laid before Congress two letters, received from the hon[ble] Sr. Gérard, minister plenipotentiary of France, written to him by Mr. J. Plombard, and dated at Charlestown, South Carolina; one the 5th, the other, the 8th September, instant, which were read, giving information of the arrival of Count d'Estaing at Georgia. Whereupon,

Resolved, That copies of the letters from Mr. Plombard to Mr. Gérard, of the 5th and 8th of September, instant, communicated by Mr. Gérard to the President, be sent to General Washington. That the General be also informed of the intention of our ally, that the armament under Count D'Estaing shall operate against the enemy in these United States; and that General Washington be authorized and directed to concert and execute such plans of co-operation with the Minister of France, or the Count, as he may think proper.

Whereas Congress have received authentick information of the arrival of Count D'Estaing with a powerful fleet to co-operate with these United States; and whereas by the vigorous exertions of the said states, the allied forces may be enabled to strike an important blow against the enemy,

Resolved, That it be most earnestly recommended to the several states to furnish General Washington with such aid as he may require of them respectively, as well by detachments from their militia, as by providing that the allied armaments in the United States be speedily and effectually furnished with ample supplies of bread and other provisions; and that the most vigorous exertions be made for that purpose.[1]

[1] Entered only in the Secret Domestic Journal.

Resolved, That a member be added to the committee appointed to superintend the quarter master and commissary general departments, and that another be elected in the room of Mr. [William] Whipple, who is absent:

The members chosen, Mr. [Daniel of St. Thomas] Jenifer, and Mr. [James] Mercer.

Resolved, That a member be elected for the Board of War, in the room of Mr. [Joseph] Spencer, who is absent:

The member chosen, Mr. [Jesse] Root.

Congress proceeded in the consideration of foreign affairs, and some time being spent thereon,

According to order, Congress proceeded to the election of a minister plenipotentiary for negotiating a treaty of peace; and the ballots being taken and counted, no election was made.

Congress proceeded again to ballot; and the votes being counted, no election was made.

Congress proceeded again to ballot and, the votes being taken and counted, no election was made.

On motion,

Ordered, That the election be postponed.

On motion of Mr. [Meriwether] Smith, seconded by Mr. [William] Paca,

Resolved, That a minister plenipotentiary be appointed to negotiate a treaty of alliance and of amity and commerce between the United States of America and his catholick majesty.

On the question to agree to this, the yeas and nays having been required by Mr. [Henry] Marchant,

New Hampshire,			*Rhode Island*,		
Mr. Peabody,	no	no	Mr. Marchant,	no	div.
Massachusetts Bay,			Collins,	ay	
Mr. Gerry,	ay		*Connecticut*,		
Lovell,	no	no	Mr. Huntington,	ay	ay
Partridge,	no		Root,	ay	

New York,			*Virginia*,		
Mr. Jay,	ay	ay	Mr. Smith,	ay	
Lewis,	ay		Griffin,	ay	
New Jersey,			Fleming,	ay	ay
Mr. Fell,	ay	ay	Mercer,	ay	
Houston,	ay		Fitzhugh,	ay	
Pennsylvania,			*North Carolina*,		
Mr. Armstrong,	no		Mr. Harnett,	ay	
Shippen,	no	div.	Hewes,	ay	ay
Atlee,	ay		Sharpe,	ay	
Muhlenberg,	ay		*South Carolina*,		
Delaware,			Mr. Laurens,	ay	
Mr. M'Kean,	no	no	Mathews,	ay	ay
Maryland,					
Mr. Paca,	ay				
Carmichael,	ay	ay			
Forbes,	ay				
Jenifer,	ay				

So it was resolved in the affirmative.

Congress then proceeded to the nomination of a minister plenipotentiary to negotiate a treaty of alliance, and of amity and commerce between the United States of America and his Catholick Majesty; when Mr. Arthur Lee was nominated by Mr. [Henry] Laurens; Mr. John Adams, by Mr. [William] Paca; Mr. John Jay, by Mr. [James] Mercer.[1]

Adjourned to 10 o'Clock to Morrow.

MONDAY, SEPTEMBER 27, 1779

~~A petition of James Bar was read.~~[2]

~~Ordered, To lie until the petitioner obtains a proper recommendation from the executive power of the State of New Jersey.~~

[1] These proceedings were entered only in the manuscript Secret Journal, Foreign Affairs.

[2] Barr's memorial, dated September 24, is in the *Papers of the Continental Congress*, No. 42, I, folio 189.

A letter, of 6, from John Lewis Jervais, deputy pay master general of the southern department, was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of this day, from Lieutenant Colonel Fleury was read, desiring that he may be indulged with a furlough to revisit his native country; and accompanied with a letter, of 23, in his favour, from General Washington, under a flying seal, directed to the President of Congress:

Resolved, That Lieutenant Colonel Fleury have leave of absence for nine months to commence from the time of his departure from America.

Ordered, On the request of Lieutenant Colonel Fleury, that the letter from General Washington in his favor be delivered to him.

Ordered, That the letter from Lieutenant Colonel Fleury be referred to the Board of War.

A letter, of this day, from the Board of War, was read, enclosing a letter, of 22d, from Elisha Walton, and one, of 23, from Jacob Wolcott:[1]

Ordered, That the same be referred to the delegates of Virginia, and that they confer with the Board of War, and report thereon with all convenient dispatch.

A letter, of 26, from Joseph Pennel, was read:

Ordered, That it be referred to the Marine Committee.

Ordered, That the letter from J. Carleton be referred to the Board of Treasury.

A letter, of 25th, from Daniel Brodhead, was read:[2]

Ordered, That it be referred to the Board of War.

A motion being made,

That the continental frigates and other continental armed vessels at Boston, or other eastern ports, be

[1] The Board of War letter is in the *Papers of the Continental Congress*, No. 147, II, folio 485; that of Walton, on folio 494; that of Wolcott, on folio 485.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, III, folio 341.

forthwith provided with skilful pilots for Newfoundland, Halifax, Penobscot and Rhode Island, that they be detained until they shall be directed to sail from thence by General Washington, and that they observe such orders as they shall receive from him.

Ordered, That it be referred to the Marine Committee and that they take order thereon.[1]

Congress resumed the consideration of foreign affairs, and some time being spent thereon,

On motion,

Resolved, That the resolution passed yesterday, relative to the appointment of a minister plenipotentiary, &c. be reconsidered.

On motion of Mr. [Samuel] Huntington, seconded by Mr. [Elbridge] Gerry,

Resolved, That after the word "plenipotentiary," be inserted, "in lieu of a commissioner."

Question put,

Resolved in the affirmative.

On the question to agree to the resolution as amended, the yeas and nays being required by Mr. [Nathaniel] Peabody,

New Hampshire,			*Connecticut*,		
Mr. Peabody,	no	no	Mr. Huntington,	ay	ay
Langdon,	no		Root,	ay	
Massachusetts Bay,			*New York*,		
Mr. Gerry,	ay	div.	Mr. Jay,	ay	ay
Lovell,	no		Lewis,	ay	
Holten,	ay		*New Jersey*,		
Partridge,	no		Mr. Fell,	ay	ay
Rhode Island,			Houston,	ay	
Mr. Marchant,	no	div.			
Collins,	ay				

[1] This motion and order were entered only in the manuscript Secret Domestic Journal.

Pennsylvania,			*Virginia,*			
Mr. Armstrong,	no	div.	Mr. Smith,	ay	ay	
Shippen,	no		Griffin,	ay		
Atlee,	ay		Mercer,	ay		
Searle,	no		Fitzhugh,	ay		
Muhlenberg,	ay		*North Carolina,*			
Wynkoop,	ay		Mr. Harnett,	ay	ay	
Maryland,			Hewes,	ay		
Mr. Paca,	ay	ay	Sharpe,	ay		
Carmichael,	ay		*South Carolina,*			
Forbes,	ay		Mr. Laurens,	no	div.	
Jenifer,	ay		Mathews,	ay		

So it was

Resolved, That a minister plenipotentiary in lieu of a commissioner, be appointed to negotiate a treaty of alliance and of amity and commerce between the United States of America and his catholick majesty.

On motion,

Resolved, That Congress proceed to the election of a minister plenipotentiary to negotiate a treaty of alliance and of amity and commerce between the United States of America and his Catholic Majesty.

Congress then proceeded to an election; and the ballots being taken, Mr. John Jay was elected Minister Plenipotentiary to negotiate a treaty of alliance and of amity and commerce between the United States of America and his Catholick Majesty.

Resolved, That Congress proceed to the election of a minister plenipotentiary for negotiating a treaty of peace and a treaty of commerce with Great Britain.

Congress accordingly proceeded, and the ballots being taken,

Mr. John Adams was elected. [1]

Adjourned to 10 o'Clock to Morrow.

[1] These proceedings were entered only in the manuscript Secret Journal, Foreign Affairs.

TUESDAY, SEPTEMBER 28, 1779

Congress having appointed the honorable John Jay, Esq. their minister plenipotentiary to negotiate a treaty of amity and commerce and of alliance between the United States of America and his Catholic Majesty, and he having signified his acceptance of that office, and, thereupon, resigned the chair,

Resolved, That Congress proceed to the choice of a President:

Congress accordingly proceeded to an election; and, the ballots being taken and counted,

The honorable Samuel Huntington, Esq. was elected.

The Committee on the Treasury having reported, that by a letter of this day's date from the Board of War, they are informed that Major General Phillips and sundry other officers of the convention troops, with their families, are on their way to New York; Whereupon,

Resolved, That it is highly improper, under the present circumstances of our affairs, to permit any of the officers or persons aforesaid to go into New York; and the Board of War are hereby directed to detain them until the further order of Congress.[1]

Ordered, That a copy of the above resolution be forwarded to the Commander in Chief.

On motion of Mr. [James] Lovell, seconded by Mr. [Joseph] Hewes,

Resolved, That the election of a suitable person to examine the accounts of the several commissioners, commercial agents, and others in Europe entrusted with public money of these United States, be an order of the day for to morrow.

[1] This report, dated September 27, is in the *Papers of the Continental Congress*, No. 136, III, folio 673. In the original General Riedesel, his wife, three children, and domestics are mentioned, and the cause for refusal involved the adjustment and payment of the accounts against the convention troops. For further paragraphs of this report, see p. 1123, *post*.

The following gentlemen were put in nomination for that business:

Mr. Edmund Jennings, by Mr. [James] Forbes;

Mr. Labouchere, by Mr. [Henry] Laurens;

Mr. Joshua Johnson, by Mr. [Daniel of St. Thomas] Jenifer.

Ordered, That Mr. [Meriwether] Smith have leave of absence.

Ordered, That Mr. [William] Fleming have leave of absence.

Resolved, That three members be elected to the Marine Committee, in the room of Mr. [William] Whipple, Mr. [Samuel] Huntington, and Mr. [William] Fleming: the members chosen, Mr. [Woodbury] Langdon, for New Hampshire; Mr. [Jesse] Root, for Connecticut; Mr. [James] Mercer, for Virginia.

On motion of Mr. [Elbridge] Gerry, seconded by

Resolved, That tomorrow be assigned for the appointment of a secretary for the minister plenipotentiary at the court of Versailles, and for each of the ministers who are to negotiate treaties with the courts of Spain and Great Britain.

The following gentlemen were put in nomination.

For the minister plenipotentiary to negotiate a treaty of alliance and a treaty of commerce and amity with Spain,

Mr. William Carmichael, by Mr. [Joseph] Hewes.

~~Mr. Searle, by Mr. Armstrong. Withdrawn.~~

For the minister plenipotentiary to negotiate a treaty of peace, and a treaty of commerce with Great Britain,

Mr. John Trumbull, by Mr. [Henry] Laurens.

Mr. Jonathan Trumbull, jun. by Mr. [Samuel] Holten,

Mr. Francis Dana, by Mr. [Nathaniel] Peabody.

For the minister plenipotentiary at the court of Versailles,

Mr. Peter Scull, by Mr. [Samuel John] Atlee.

Mr. John Laurens, by Mr. [Elbridge] Gerry.

The committee, consisting of Mr. [John] Dickinson, Mr. [Gouverneur] Morris, and Mr. [Henry] Marchant, appointed to prepare drafts of commissions, reported the same, which were agreed to as follows:

For the minister plenipotentiary to negotiate a treaty of peace.

The Delegates of the United States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia—To all who shall see these presents, send greeting.

It being probable that a negotiation will soon be commenced for putting an end to the hostilities between his Most Christian Majesty and these [United] States, on the one part, and his Britannick Majesty on the other part; and it being the sincere desire of the United States that they may be terminated by a peace, founded on such solid and equitable principles as reasonably to promise a permanency of the blessings of tranquillity: KNOW YE, THEREFORE, That we, confiding in the integrity, prudence and ability of have nominated and constituted, and by these presents do nominate and constitute him the said our minister plenipotentiary, giving him full power, general and special, to act in that quality, to confer, treat, agree and conclude, with the ambassadors or plenipotentiaries of his Most Christian Majesty, and of his Britannick Majesty, and those of any other princes or states whom it may concern, vested with equal powers, relating to the re-establishment of peace and friendship; and whatever shall be so agreed and concluded, for us, and in our name to sign, and thereupon to make a treaty or treaties, and to transact every thing that may be necessary for completing, securing and strengthening the great work of pacification, in as ample form, and with the same effect, as if we were personally present and acted therein; hereby promising, in good faith, that we will accept, ratify, fulfil and execute whatever shall be agreed, concluded and signed by our said minister plenipotentiary; and that we will never act nor suffer any person to act contrary to the same, in the whole or in any part.

In witness whereof we have caused these presents to be given in Congress, at Philadelphia, the day of in the

year of our Lord, seventeen hundred and seventy nine, and in the fourth year of the independence of the United States of America.

Signed by the President, and sealed with his seal.[1]

For the minister plenipotentiary to negotiate a treaty of amity and commerce with Great Britain.

The Delegates of the United States of New Hampshire, &c. in Congress assembled—To all who shall see these presents, send greeting.

It being the desire of the United States, that the peace which may be established between them and his Britannick majesty may be permanent, and accompanied with the mutual benefits derived from commerce: KNOW YE, THEREFORE, That we, confiding in the integrity, prudence and ability of have nominated and constituted, and by these presents do nominate and constitute him the said our minister plenipotentiary, giving him full power, general and special, to act in that quality, to confer, agree and conclude with the ambassador or plenipotentiary of his Britannick majesty, vested with equal powers, of and concerning a treaty of commerce; and whatever shall be so agreed and concluded for us and in our name, to sign, and thereupon make a treaty of commerce; and to transact every thing that may be necessary for completing, securing and strengthening the same, in as ample form, and with the same effect, as if we were personally present and acted therein; hereby promising, in good faith, that we will accept, ratify, fulfil and execute whatever shall be agreed, concluded and signed by our said minister plenipotentiary; and that we will never act, nor suffer any person to act, contrary to the same, in whole or in part. In witness whereof we have caused these presents to be given in Congress, at Philadelphia, the day of in the year of our Lord, 1779, and in the fourth year of the independence of the United States of America.

Signed by the President, and sealed with his seal.[2]

[1] This draft, in the writing of John Dickinson, is in the *Papers of the Continental Congress*, No. 47, folio 317.

[2] The fact that this committee reported, and the two commissions, were not entered in the manuscript Secret Journal, Foreign affairs.

On motion of Mr. [John] Mathews, seconded by Mr. [Jesse] Root,

Resolved, That a committee of three be appointed to prepare the draft of a commission for the minister plenipotentiary appointed to negotiate a treaty of amity and commerce and of alliance between the United States of America and his catholick majesty.

The members—Mr. [William] Paca, Mr. [John] Mathews, and Mr. [Elbridge] Gerry.

Ordered, That the said committee prepare the draft of a commission for each of the secretaries to be appointed.

Resolved, That a committee of three be appointed to report proper salaries for the ministers plenipotentiary and their secretaries, respectively.

The members, Mr. [John] Mathews, Mr. [Elbridge] Gerry, and Mr. [Jesse] Root.

The committee, consisting of Mr. [Meriwether] Smith, Mr. [John] Mathews, Mr. [Elbridge] Gerry, appointed to prepare instructions to the minister for negotiating with the court of Spain, having brought in a draft, the same was agreed to as follows:

Instructions to the minister plenipotentiary for negotiating with the court of Spain

Sir,

By the treaties subsisting between his most christian majesty and the United States of America, a power is reserved to his catholic majesty to accede to the said treaties, and to participate in their stipulations, at such time as he shall judge proper, it being well understood, nevertheless, that if any of the stipulations of the said treaties are not agreeable to the court of Spain, his catholick majesty may propose other conditions analogous to the principal aim of the alliance, and conformable to the rules of equality, reciprocity and friendship. Congress is sensible of the friendly regard to these states manifested by his most christian majesty, in reserving a power to his catholick majesty of acceding to the alliance entered into between his most christian

majesty and these United States; and therefore, that nothing may be wanting on their part to facilitate the views of his most christian majesty, and to obtain a treaty of alliance and of amity and commerce with his catholick majesty, have thought proper to anticipate any propositions which his catholick majesty might make on that subject, by yielding up to him those objects which they conclude he may have principally in view; and for that purpose have come to the following resolution:

That if his catholick majesty shall accede to the said treaties, and, in concurrence with France and the United States of America, continue the present war with Great Britain for the purpose expressed in the treaties aforesaid, he shall not thereby be precluded from securing to himself the Floridas: On the contrary, if he shall obtain the Floridas from Great Britain, these United States will guaranty the same to his catholick majesty: Provided always, that the United States shall enjoy the free navigation of the river Mississippi into and from the sea.

You are therefore to communicate to his most christian majesty, the desire of Congress to enter into a treaty of alliance and of amity and commerce with his catholick majesty, and to request his favourable interposition for that purpose. At the same time, you are to make such proposal to his catholick majesty, as in your judgment, from circumstances, will be proper for obtaining for the United States of America equal advantages with those which are secured to them by the treaties with his most christian majesty; observing always the resolution aforesaid as the ultimatum of the United States.

You are particularly to endeavour to obtain some convenient port or ports below the thirty-first degree of north latitude, on the Mississippi river, for all merchant vessels, goods, wares and merchandises belonging to the inhabitants of these states.

The distressed state of our finances and the great depreciation of our paper money inclined Congress to hope that his catholick majesty, if he shall conclude a treaty with these states, will be induced to lend them money: You are therefore, to represent to him the great distress of these states on that account, and to solicit a loan of five millions of dollars upon the best terms in your power, not exceeding six per centum per annum, effectually to enable them to co-operate with the allies against the common enemy. But before you make any propositions to his catholick

majesty for a loan, you are to endeavour to obtain a subsidy in consideration of the guarantee aforesaid.[1]

The committee appointed to prepare a commission for the minister plenipotentiary to negotiate a treaty of amity and commerce, and of alliance with his catholick majesty, brought in a draft which was agreed to as follows:

[1] The following instructions, in the writing of John Mathews, are in the *Papers of the Continental Congress*, No. 25, I, folio 329. They are endorsed "Postponed." See Meriwether Smith's paper, printed under September 17, 1779, p. 1084, *ante*.

"Instructions for the Minister who is to negotiate the Treaties of Alliance and Commerce with his Most Catholic Majesty.

"Sir, Congress being informed that to promote the treaty of Alliance, which these United States have proposed to enter into with his Most Catholic Majesty, it is necessary so far to deviate from the terms of the Treaty of Alliance which these States have entered into with his Most Christian Majesty as to admit the Territory of East and West Florida, when conquered or otherwise obtained from G. Britain by his Most Ca. M. to be annexed to his jurisdiction and government, have come into the following Resolutions, viz. (Here comes in the Resolution)

"You are therefore to inform his Most Ca. M. of the substance of the Resolution afd for his obtaining the Floridas, and that agreeable to the terms thereof these United States will cheerfully afford him their assistance in conquering the same; But should a cooperation on our part with a military force be expected by his Most Ca. M. you are to inform him of our inability on this Head. You are also to assure his Most C. M. that when the Floridas shall be conquered or otherwise obtained by him as afd, these States will guaranty the *same* to his Most Ca. M. to the same extent in which they were held by him before the Treaty of Paris in 1763.

"You are to obtain an assurance in the said Treaty of alliance, on the part of his Most Ca. M. that the United States shall enjoy the free navigation of the River Mississippi into and from the Sea. At the same time you are to inform his Most C. M. that these States find themselves constrained by the most urgent necessity to make this an ultimatum, as the future welfare of a great part of these States essentially depends thereon.

"You are also to use your utmost endeavors that one or more free port or ports on the sd. River Mississippi shall be established below the 31st Degree of Nº. Latitude under such regulations and restrictions as may be agreed on between the Ministers negotiating the Said Treaties; But this proposition is not to be considered as an Ultimatum.

"You are to represent to his Most Ca. M. the depreciated state of our paper Currency, and that to enable us effectually to cooperate with their Most Christian and Catholic Majesties against the common enemy, it is indispensably necessary we should be supplied with a sum of money in specie. You are therefore to endeavor to procure from His Most C. M. a loan of 5,000,000 of dollars on the best terms the same can be had.

"In all other matters you are to govern yourself by the Treaties subsisting between his Most Christian Majesty and these United States."

FORM OF A COMMISSION, &C.

The Delegates of the United States of New Hampshire, &c. in Congress assembled—To all who shall see these presents, send greeting.

Whereas an intercourse between the subjects of his catholick majesty and the citizens of the United States, founded on the principles of equality, reciprocity and friendship, may be of mutual advantage to both nations: and it being the sincere desire of the United States to enter into a treaty of alliance and of amity and commerce with his catholick majesty: KNOW YE, THEREFORE, That we, confiding in the integrity, prudence and ability of have nominated and constituted, and by these presents do nominate and constitute him the said our minister plenipotentiary, giving him full power, general and special, to act in that quality, to confer, treat, agree and conclude with the ambassador or plenipotentiary of his catholick majesty vested with equal powers, of and concerning a treaty of amity and commerce, and of alliance; and whatever shall be so agreed and concluded for us and in our names, to sign, and thereupon make such treaty or treaties, conventions or agreements, as he shall judge conformable to the ends we have in view, in as ample form, and with the same effect, as if we were personally present and acted therein; hereby promising in good faith, that we will accept, ratify, fulfil and execute whatever shall be agreed, concluded and signed by our said minister plenipotentiary; and that we will never act nor suffer any person to act contrary to the same, in the whole or in any part.

In witness whereof, we have caused these presents to be given in Congress, at Philadelphia, the day of , in the year of our Lord, , and in the year of the independence of the United States of America.

Signed by the President, and sealed with his seal.[1]

Adjourned.

[1] These proceedings were entered only in the manuscript Secret Journal, Foreign Affairs. The instructions to the minister to Spain and the fact of their being reported were not entered in this journal.

WEDNESDAY, SEPTEMBER 29, 1779

Mr. [Roger] Sherman, one of the delegates for Connecticut, attended and took his seat.

A letter, of 10, from Mr. J[ohn] Adams; and one, of 28, from the Board of War, were read.

A memorial from W. Palfrey, pay master general, was read:[1]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [John] Mathews, Mr. [Henry] Marchant, and Mr. [William] Paca.

A petition of Joseph Jewell, and a petition of Bartholomew Treviss, were read:

Ordered, That it be referred to the Board of War.

A letter, of this day, from Gideon Olmstead, was read:[2]

Resolved, That a committee be appointed on the memorial of Gideon Olmstead, and to confer with a committee of the general assembly of the State of Pennsylvania, relative to carrying into execution the decree of the court of appeals concerning the sloop *Active:*

The members chosen, Mr. [Jesse] Root, Mr. [William] Paca, and Mr. [Henry] Laurens.

Ordered, That a copy of the above resolution be transmitted to the speaker of the general assembly of the State of Pennsylvania; and that he be requested to procure a committee of that house to be appointed to confer with the above committee.[3]

The committee on the treasury brought in a report: Whereupon,

[1] This memorial is in the *Papers of the Continental Congress*, No. 41, VIII, folio 82.

[2] Jewell's petition, dated September 27, is in the *Papers of the Continental Congress*, No. 42, IV, folio 17; that of Treviss, dated the 28th, in No. 42, VII, folio 354; Olmstead's letter, in No. 78, XVII, folio 293.

[3] On the 30th the General Assembly appointed a committee of Thomas Smith, Joseph Gardner, and John Smilie.

Ordered, That a warrant issue on the treasurer, in favour of Mr. H[enry] Laurens, for the amount of two bills of exchange drawn by John Lewis Gervais, late deputy pay master general in the southern district, one of the said bills bearing date the 20th of August last, for thirteen thousand three hundred and thirty dollars and 60/90; and the other, for four thousand one hundred and fifty three dollars and 30/90; both of which sums amount to 17,484 dollars; for which the said John Lewis Gervais is to be accountable.[1]

That a warrant issue on William Gibbes, William Parker and Edward Blake, Esquires, commissioners of the continental loan office for the State of South Carolina, in favour of John Lewis Gervais, Esq. late deputy pay master general in the southern district, for one hundred and twenty nine thousand one hundred dollars, for the use of his department; for which he is to be accountable.[2]

That on the application of the Medical Committee, a warrant issue on the treasurer, in favour of Doctor Jonathan Potts, deputy director general, for one hundred and fifty thousand dollars, for the purchase of hospital stores, and for defraying the necessary expences of his department, and that another warrant issue on Thomas Smith, Esq. commissioner of the continental loan office, for the State of Pensylvania, in favour of the said Doctor Jonathan Potts, for seventy one thousand one hundred and forty four dollars, in loan office certificates ~~for the purpose of discharging a debt due to Robert Morris, Esq. for twelve boxes of surgical instruments purchased of him by the said Dr. Potts~~; the said Doctor Potts to be accountable for the sums aforesaid.

That a warrant issue on the treasurer, in favour of Lieutenant Colonel Ternant, for two thousand dollars, to defray his expences from South Carolina in bringing dispatches from Major General Lincoln.

[1] Based upon a letter of September 6, from John Lewis Gervais.

[2] These paragraphs formed part of the report of September 27, noted on p. 1114, *ante*.

That a warrant issue on the treasurer, in favour of William Palfrey, Esq. paymaster general, for two hundred thousand dollars, to be by him transmitted to John Boreman, Esq. deputy pay master general in the western district, for the payment of the troops and other expences of his department; the said William Palfrey, Esq. to be accountable.[1]

That a warrant issue on the treasurer, in favour of Mr. G[eorge] Partridge, one of the delegates for the State of Massachusetts bay, on his application, for five thousand dollars; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. Nathaniel Peabody, one of the delegates for the State of New Hampshire, on his application, for five thousand dollars; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Frederic Bicking, paper maker, for sixteen thousand dollars; for which he is to be accountable.[2]

That a warrant issue on the treasurer, in favour of Mr. C[ornelius] Harnett, one of the delegates for the State of North Carolina, on his application, for four thousand dollars; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of the delegates for the State of Virginia, on their application, for ten thousand dollars; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of William Ramsay, one of the clerks in the chamber of accounts, on his application, for two thousand dollars;

Another in favour of Patrick Ferrall, clerk in the auditor general's office, on his application, for two thousand dollars; and

[1] This report, dated September 21, is in the *Papers of the Continental Congress*, No. 136, III, folio 665.

[2] This report, dated September 28, is in the *Papers of the Continental Congress*, No. 136, III, folio 677.

Another in favour of William Govett, Esq. one of the commissioners of accounts at the treasury, on his application, for three thousand dollars; for which sums they are respectively to be accountable.[1]

Whereas on the 23d day of August last, the delegates of the State of Virginia represented to Congress, that application was made to the said delegates by the board of trade in that State, to procure, on account of the State, a sum of continental money, to be paid into the hands of John Moss, Esq. agent for the said State in the city of Philadelphia, for the purpose of purchasing supplies of cloathing and other necessaries for the immediate use of the troops of that State in the continental army; and that it was proposed by the said board of trade, to repay the money by answering the bills or orders of the treasury, for the amount of the sum borrowed payable in the said State, or otherwise as Congress may direct: and whereas a warrant was accordingly issued by Congress on the continental treasurer, in favor of the said John Moss, Esq. for 400,000 dollars, the said State to be accountable:

Ordered, That a warrant issue on the board of trade of Virginia, in favor of Jeremiah Wadsworth, commissary general of purchases, to be paid to the order of his assistants, Chaloner & White, for 400,000 dollars, to reimburse a like sum lent to the said State as aforesaid; the said Jeremiah Wadsworth to be accountable.

That a warrant issue on the treasurer, in favour of William Geddes, Esq. one of the commissioners of accounts at the treasury, for three thousand dollars, on his application; for which he is to be accountable.

That a warrant issue on the treasurer, in favour of John Levinus Clarkson, Jun. clerk to the Board of Treasury, on

[1] This report, dated September 25 and 27, is in the *Papers of the Continental Congress*, No. 136, III, folio 669. It also contained the paragraph on the salary of Patton, p. 1126, *post*.

his application, for fifteen hundred dollars; for which he is to be accountable.[1]

Resolved, That the daily pay of Robert Patton, messenger, and William Hurrie, door keeper of Congress, be increased to eight dollars, from the first of May last, and that in future they be allowed ten dollars per day, until the further order of Congress.[2]

Resolved, That the report of the Board of Treasury on the accounts of Major General Arnold be an order for Thursday the 7th of October next.

Congress proceeded to the election of a person to examine the accounts of the several commissioners, commercial agents and others in Europe, entrusted with the public money of these United States; and, the ballots being taken,

Mr. Joshua Johnson was elected.

The delegates for the State of Virginia, to whom was referred the letter of the 27 from the Board of War with the letters enclosed, brought in a report; Whereupon,

Resolved, That copies of the letters before-mentioned, be forthwith transmitted to the governor of Virginia, and that it be recommended to the executive of that State, to superintend the stationing and safe keeping of the convention troops, in case any invasion shall be made on that State, and that the said executive do, from time to time, as occasion may require, advise the Board of War of their proceedings in that business.[3]

[1] This report, dated September 28, is in the *Papers of the Continental Congress*, No. 136, III, folio 681.

[2] See note on p. 1125, *ante*.

[3] On the letter of the Board of War is endorsed the following report, in the writing of Cyrus Griffin:

"The delegates of Virginia, to whom were referred some intelligence from the Board of War, of September 27, beg leave to report: That should an expedition take place by the enemy of Eight thousand men to the state of Virginia, they are of opinion the Convention Troops might be rescued with great facility unless some expeditious and effectual measures are taken to prevent it. Therefore, *Resolved*, That the Governor and Council of Virginia be authorized and requested to separate the said Troops of the Con-

Congress proceeded to the election of secretaries; and the ballots being taken and counted, Mr. William Carmichael was elected secretary to the minister plenipotentiary to negotiate a treaty of amity and commerce and of alliance with the court of Spain.

vention if necessary, or to do whatever shall appear to the Executive best calculated for the safety of those troops and the public service.[22]

A letter from the Board of War, dated September 28, on this subject was read on the 29th, and is in the *Papers of the Continental Congress*, No. 147, II, folio 501. It is as follows:

"WAR OFFICE, *September 28, 1779.*

"SIR, The Board having considered the intelligence from Major Walton and Lieut: Walcott relative to the motions of the enemy at New York: and as it seems to be apprehended by some gentlemen that the large embarkation mentioned may be intended for a descent in Virginia, for the purpose of rescuing the convention Troops; and therefore that it is necessary to separate them: we beg leave to express our sentiments on the subject.

"A letter from Col° Bland, dated May 31st, (having reference to the descent made by the enemy into the State about three weeks before) has the following passage—'From the best computation I can make about three thousand militia might on emergency be called into actual service at this post (Charlotteville) in six days, from the adjacent counties *allotted* to reinforce this garrison if occasion should require, about fifteen hundred of which might be well armed, the others but indifferently.'

"The State having lately detained 5000 muskets, the property of the United States, if they still keep them it will be easy to arm a large body of militia, and it appears from Col. Bland's information that a competent number of men may in a short time be raised to remove the prisoners to a part of the State still more remote from any practicable landing, or to another State out of the enemy's reach; those prisoners now amounting only to 2800 men (exclusive of commissioned Officers) and less than half of them British.

"We cannot persuade ourselves that at *this time* the enemy would hazard a part of their army in Virginia, even if they thought the rescue of the convention prisoners far more practicable than we do.

"To separate them would give opportunities to great numbers to desert, from the want of strong places of confinement: it would also create a very great expense. Indeed we know not where they could be sheltered from the weather for any length of time. Should necessity (in our opinion unlikely to happen) compel us to remove them, it would be for a very short time, as the enemy would soon give over a pursuit they would find to be fruitless.

"Upon the whole we are humbly of opinion, that nothing more is requisite than to apprize the executive of Virginia of the intelligence received relative to the preparations for a large embarkation at New York, and to desire that fifteen hundred of the arms detained in the State may be sent to some convenient deposites, for the purpose of arming the militia of those counties adjacent to Albemarle, now actually allotted to reinforce the guards over the Convention prisoners.[23]

Mr. Francis Dana, secretary to the minister plenipotentiary to negotiate a treaty of peace and a treaty of commerce with Great Britain.

Lieutenant Colonel John Laurens, secretary to the minister plenipotentiary of the United States at the court of Versailles.

The committee appointed to report proper salaries brought in a report, which was read: After debate,

Ordered, That the farther consideration thereof be postponed till to morrow.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, SEPTEMBER 30, 1779

A letter, of 25th, from General Washington, was read.[1]

The hon[ble] Mr. [Henry] Laurens informed Congress that there was a person in town, who, he had good reason to believe, was possessed of very important intelligence which he would willingly communicate:

Ordered, That a committee of three be appointed to examine the said person, and that it be in their discretion either to report the intelligence to Congress, or take immediate order thereon:

The members chosen, Mr. [Henry] Laurens, Mr. [Roger] Sherman, and Mr. [William Churchill] Houston.

A letter, of 29th, from the Board of War, was read, enclosing the letter, of 19th, from Major General Greene, which on the 25th was referred to them.[2]

Ordered, That the letter of General Greene, with the papers enclosed therein, be returned to the Board of War, and filed in their office until further order.

[1] This letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 41.

[2] This letter is in the *Papers of the Continental Congress*, No. 147, II, folio 507.

A letter, of 29, from the president of the State of Pensylvania, was read:[1]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [James] Mercer, Mr. [William Churchill] Houston, and Mr. [James] Lovell.

A memorial of John Ely was read:[2]

Ordered, That it be dismissed.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. [Henry] Wynkoop, one of the delegates for the State of Pensylvania, on his application, for fifteen hundred dollars; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of George Bond, assistant in the secretary's office of Congress, on his application, for two thousand dollars; for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Thomas Edison, assistant in the secretary's office of Congress, on his application, for two thousand dollars; for which he is to be accountable.[3]

A report from the Board of War was read:

At a Board of War, *September 28, 1779.*

Present, Col^{o} Pickering, and M^{r} Peters.

The Board taking into consideration the letter from Lieutenant Colonel Fleury, with the certificate of General Washington enclosed therein, and having conversed with Lieutenant Colonel Fleury on the subject, find that he wishes a Furlough more enlarged. The merit and extraordinary services of this gentleman entitle him to every reasonable mark of attention and indulgence. It is unnecessary for us to say any thing in favor of Mons^{r} Fleury after the most honorable and ample certificate from General Washington. We are happy however in joining our testimony to the General's as we are convinced by

[1] This letter is in the *Papers of the Continental Congress*, No. 69, II, folio 153.

[2] This memorial is in the *Papers of the Continental Congress*, No. 41, III, folio 21.

[3] This report, dated September 30, is in the *Papers of the Continental Congress*, No. 136, III, folio 685.

an intelligence from all quarters of information of the gallantry and great activity of Colonel Fleury. We therefore beg leave to report,

That the Furlough granted to Lieutenant Colonel Fleury who expresses a desire to return to France on business of an interesting nature to his private affairs, be on his application in France for the purpose, extended for so long a time as the Minister Plenipotentiary of these States at the Court of Versailles shall deem proper, Congress being willing to grant every mark of their indulgence and regard to so gallant and meritorious an officer.[1]

Ordered, That it be re-committed.

The committee on the departments of the quarter master and commissary general, to whom were referred the letters of 24 August from General Washington, and the 5th September from J. Wadsworth, brought in a report; Whereupon,

The Committee for superintending the Commissary and Quarter Master's Department, to whom was referred the letters of General Washington and the Commissary General respecting bread for the army, beg leave to report:

That your Commissaries have on hand not more than a sufficiency of bread and flour for the Army to subsist upon until the 1st of next month.

That the exertions of the Commissaries aided with all the assistance your Committee could give them, for some time past, have been attended with little success, owing as your Committee suppose to an objection the farmers have to threshing their grain in this busy season, the prospect of getting more for it hereafter, and an idea they entertain that if they part with their wheat, they will be less able to procure salt, sugar, &c. which articles they want.

That the Commissary general, pressed by the necessities of the army, has been induced to promise the people of New York State Salt, sugar, &c. in exchange for wheat and flour. Which mode of purchasing, your committee are of opinion, will have an ill influence on the credit of our money if generally adopted, and can be justified only in cases of extreme necessity.

Pream. negatived

That the State of New York for more than three years past hath been deprived of all her seaports, by the operations of the enemy, and the Inhabitants been wholly dependant on the other States for

[1] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 505.

supplies of salt and other foreign commodities, whereby they have laboured under many disadvantages peculiarly distressing.

That the United States have been much served by the vigorous and continued efforts of that State in the common cause, and therefore its inhabitants may justly expect Congress should regard their particular situation, and as far as may be consistent with the principles of equality and public good endeavor to alleviate the distresses peculiar to it.

Wherefore, to manifest the sense Congress entertain of their exertions under all their difficulties, and to encourage and enable them to persevere in the same line of conduct, and the better to supply their present wants,

Your Committee submit the following resolutions to the Consideration of Congress—

Resolved, That Mr. J. Bradford, continental agent at Boston, be directed to sell and deliver out of the stores of these States there, to the State of New York, on or before the first day of January next, or to such person or persons as shall be authorized by them for the purpose, any quantity of sugar and rum not exceeding five hundred hogsheads of the former, and fifty hogsheads of the latter, at the current wholesale price of those articles in cash: and that it be recommended to the legislature or the executive powers of the said State, to cause the said rum and sugar to be sold and distributed among the people in such manner, as that all may partake of the benefit intended them, and at no higher price than will raise the amount of the prime cost and charges:

That the Marine Committee be directed to give the necessary orders to enable the commissary general to perform his engagements actually made with the people for sugar, &c.

On passing this resolution, the yeas and nays being required by Mr. [Nathaniel] Peabody,

New Hampshire,		
Mr. Peabody,	no	no
Langdon,	no	
Massachusetts Bay,		
Mr. Lovell,	no	ay
Holten,	ay	
Partridge,	ay	
Rhode Island,		
Mr. Marchant,	no	no
Connecticut,		
Mr. Sherman,	ay	ay
Huntington,	ay	
Root,	ay	
New Jersey,		
Mr. Fell,	ay	ay
Houston,	ay	
Pennsylvania,		
Mr. Armstrong,	ay	ay
Atlee,	ay	
Wynkoop,	ay	
Maryland,		
Mr. Forbes,	no	div.
Jenifer,	ay	
Virginia,		
Mr. Griffin,	ay	ay
Mercer,	ay	
Fitzhugh,	ay	
North Carolina,		
Mr. Harnett,	ay	ay
Hewes,	ay	
Sharpe,	ay	
South Carolina,		
Mr. Laurens,	ay	ay
Mathews,	ay	

So it was resolved in the affirmative.

That the commissary general be informed, that although the necessity of the case may justify his using the expedient in this instance, yet Congress cannot approve of his making any purchases in ordinary cases, otherways than for money:

Resolved, That the Commercial Committee be directed to take care that a sufficient quantity of salt be procured for the army, and for that purpose that they have liberty to export flour as soon as the exigencies of the army of our allies are provided for.[1]

Postponed

Resolved, That a member be added to the Committee on the Treasury, in the room of Mr. [William] Carmichael:

The member chosen, Mr. [Roger] Sherman.

A letter from the Minister of France was read: Whereupon,

[1] This report, in the writing of Jesse Root, is in the *Papers of the Continental Congress*, No. 29, folio 101.

Resolved, That the President inform the Honorable Sieur Gérard, Minister Plenipotentiary of France, that Congress are much obliged by his polite offer to detain the frigate *Sensible,* for the accommodation of Mr. Adams and his secretary on their passage to France; and that they accept the same on condition Mr. Adams can be prepared for his departure in such reasonable time as that it may not be too great an inconvenience to detain the vessel.[1]

Adjourned to 10 oClock to Morrow.

FRIDAY, OCTOBER 1, 1779

A letter, of 1st, and one, of 5 September, from Major General Lincoln; and a letter, of 19 August, from Brigadier Count Pulaski, were read.

A petition of Major [F.] Stein, a prisoner of General Knyphausen's regiment was read:[2]

Ordered, That it be referred to the Board of War to take order thereon.

A petition of Hannah Thomas, relict and executrix of the late Major General Thomas, was read:

Ordered, That it be referred to the Board of Treasury.

A petition of Robert Jewell, keeper of the new jail, was read:[3]

Ordered, That it be referred to the Board of War.

A letter from the Marine Committee was read:

Ordered, That it be referred to the Marine Committee, and that they be directed to prepare and report a plan of regulations for conducting the naval affairs of the United States, and that the committee formerly appointed for that purpose be discharged.

[1] This resolution was entered only in the manuscript Secret Journal, Foreign Affairs.

[2] Lincoln's letters are in the *Papers of the Continental Congress,* No. 158, folios 271, 275; that of Pulaski, in No. 164, folio 108; the Stein petition, in No. 41, IX, folio 86.

[3] This petition is in the *Papers of the Continental Congress,* No. 42, IV, folio 21.

The Board of War, to whom was referred their report respecting Lieutenant Colonel Fleury, brought in a report; Whereupon,

Resolved, That Congress entertain a high sense of the zeal, activity, military genius and gallantry of Lieutenant Colonel Fleury, which he has exhibited on a variety of occasions during his service in the armies of these states, wherein, while he has rendered essential benefit to the American cause, he has deservedly acquired the esteem of the army and gained unfading reputation for himself.

That the President be directed to communicate this Resolution to Lieutenant Colonel Fleury, and to inform him that Congress, holding his services in grateful Remembrance, will be ever ready to afford him Proof of their Confidence and Esteem.[1]

A report from the commissioners on the accounts of Major General Arnold, was read:

Ordered, That it be referred to a committee of five:

The members chosen, Mr. [Henry] Laurens, Mr. [James] Mercer, Mr. [Nathaniel] Peabody, Mr. [Samuel] Holten, and Mr. [William] Paca.

Ordered, That the report of the Board of Treasury on the accounts of Major General Arnold, which on the 29th September was set down as an order for Thursday next, be referred to the said committee.

On motion of Mr. [John] Fell, seconded by Mr. [John] Mathews,

Resolved, That the thanks of Congress be given to the hon[ble] John Jay, Esq. late President, in testimony of their approbation of his conduct in the chair, in the execution of public business.

Resolved, That to morrow, immediately after reading the Journal, Congress be resolved into a Committee of the Whole to consider further the reports relative to Finance.

[1] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 511.

Ordered, That the report of the committee respecting proper salaries be re-committed.[1]

Adjourned to 10 oClock to Morrow.

SATURDAY, OCTOBER 2, 1779

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [Nathaniel] Peabody, Congress came to the following resolution:

Whereas in the first resolution of Congress of the 24 September last, relative to a district of country called "New Hampshire Grants," is the following clause, viz.

"And also to authorize Congress to proceed to hear and determine all disputes subsisting between the grantees of the several states aforesaid with one another, or with either of the said states, respecting title to lands lying in the said district, to be heard and determined in the mode prescribed for such cases by the articles of confederation aforesaid:" and whereas no provision is made in the said articles of confederation for hearing and determining disputes between any State and the grantees of any other State:

Resolved unanimously, That the clause above recited be repealed.

Resolved unanimously, That it be, and hereby is recommended to the states of New Hampshire, Massachusetts Bay and New York, to authorize Congress to proceed to hear and determine all disputes subsisting between the grantees of the several states aforesaid, with one another, or with either of the said states, respecting title to lands lying in the said district, to be heard and determined by "commissioners or judges," to be appointed in the mode prescribed by the ninth article of the confederation aforesaid.

Ordered, That a copy of the preceding resolves be transmitted to the said states of New Hampshire, Massachusetts

[1] This was entered only in the manuscript Secret Journal, Foreign Affairs.

Bay and New York, and also to the inhabitants of the New Hampshire Grants.

A motion was made by Mr. [James] Mercer, seconded by Mr. [William] Sharpe, that a set of resolutions which he read in his place relative to finance be received and referred to the committee of the whole:

Question put, resolved in the affirmative.

Congress was resolved into a committee of the whole, and after some time the President resumed the chair and Mr. [Daniel of St. Thomas] Jenifer reported, that the committee have had under consideration the reports of the committee, and the propositions relative to finance, which were referred to them, and made some progress therein, but not having come to a conclusion, desire leave to sit again.

October 2. The first resolution amended in committee of the whole,

Resolved, That in addition to the sums required by the resolutions of Congress of the 22nd November, 1777, and 2 January, and 21 May, 1779, the several states be called on to raise in such manner as they may judge expedient, sufficient sums to enable them to pay into the continental treasury, on the first day of ~~March~~ February next, and on the first day of each succeeding month, until the first of October next, inclusive, their respective proportions of fifteen million dollars, viz;

New Hampshire	Delaware
Massachusetts Bay	Maryland
Rhode Island and Providence Plantations	Virginia
Connecticut	North Carolina
New York	South Carolina
New Jersey	Georgia, being invaded, is hereafter to raise its proportion.
Pensylvania	

2nd. Resolution. That all sums which may be paid into the continental treasury, or to the order of Congress, by any of the states during the continuance of the war, shall be passed to their respective credits upon interest on the terms prescribed by the first article of a resolution of Congress of the 22 November, 1777.

Passed

And that each respective state be also credited ten per cent on the monthly payments that it shall punctually make, agreeable to the foregoing resolution; provided, that such state shall have paid its proportions of the sums required by the several resolutions mentioned in the said resolve.[1]

Negatived

Resolved, That on Monday next, immediately after reading the public dispatches, Congress be resolved into a committee of the whole, to consider farther the subject of finance.

On a representation from the executive of Virginia, to the executive of Maryland, which was communicated to Congress by the delegates of Maryland;

And on motion of Mr. [William] Paca, seconded by Mr. [James] Forbes,

Resolved, That it be recommended to the governor and council of Maryland, to permit as much bread, flour and wheat to be exported for the State of Virginia, as the said State may want for its public supply.

Ordered, That Mr. [John] Collins have leave of absence.

On motion of Mr. [John] Mathews, seconded by,

Resolved, That the Marine Committee be directed to lay in such stores as they may deem necessary for the use of the Minister lately appointed to the Court of Spain, and of the Minister of his Most Christian Majesty, now about to depart for France; and to prepare all necessary accommodation on board the frigate *Confederacy*, for the said Ministers and their families. And that the Marine Committee make the like provision for Mr. Adams and his family on their passage for France.[2]

Adjourned to 10 oClock on Monday.

[1] These minutes, in the writing of Charles Thomson, are in the *Papers of the Continental Congress*, No. 26, folio 67.

[2] This resolution was entered only in the manuscript Secret Journal, Foreign Affairs.

MONDAY, OCTOBER 4, 1779

Mr. [Nicholas] Van Dyke, one of the delegates for Delaware, attended, and took his seat.

A letter, of the 30 September, from General Washington, was read:

On motion of Mr. [James] Forbes, seconded by Mr. [William] Paca,

Resolved, That Colonel Clarke be directed to halt the North Carolina troops at Trenton, till farther orders.

A letter, of 23 September, from J. Adams, and one, of the 30 September, from Major Samuel Hayes, were read.

A letter, of 30th September, from J. Wadsworth, commissary general of purchases; and a letter, of 2 instant, from the president of Pensylvania to the Board of War, were read:[1]

Ordered, That they be referred to the committee for superintending the quarter master and commissary general's departments.

A letter from Captain Michael Hyndman and others, prisoners, was read:

Ordered, That it be referred to the Marine Committee.

A petition of Captain R. Moor, was read:

Ordered, That it be referred to the Committee of Commerce to take order thereon.

A representation of Robert Martin, in behalf of the inhabitants of Northumberland county in Pensylvania, respecting the money called out of circulation, was read:

Ordered, That it be referred to the Board of Treasury, to take order thereon.

A petition of Charles Phelps was read, respecting the preservation of white pine timber:

[1] The Washington letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 57; that of Hayes, in No. 78, XI, folio 455; that of Wadsworth, in No. 78, XXIV, folio 153. The letter of Adams is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 334.

Ordered, That it be referred to the Marine Committee.

A letter, of September 21, from the council of Massachusetts bay, was read:

Ordered, That it be referred to a committee of three:

The members chosen. Mr. [James] Mercer, Mr. [William Churchill] Houston, and Mr. [Roger] Sherman.

A letter, of this day, from Mr. J[ohn] Jay, late President, was read:

Ordered, That the vote of thanks, and this letter in answer thereto, be published.

A letter, of September 29, from General Washington, was read, enclosing a letter of 28th of the said month, from Baron de Frey, captain in Brigadier Count Pulaski's legion, was read; and also a memorial of Captain Charles de Frey, requesting leave of absence for eight months, to revisit his native country;[1] Whereupon,

Resolved, That Captain Charles de Frey have leave of absence for eight months.

Ordered, That the memorial of Captain de Frey be referred to the Board of Treasury.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. J[ohn] Collins, delegate for the State of Rhode island, for four thousand dollars; the said State to be accountable.

That a warrant issue on the treasurer, in favour of Mr. [William] Sharpe, delegate for the State of North Carolina, for the sum of two thousand five hundred dollars; the said State to be accountable.[2]

That the following warrants issue in favour of Major General Greene, quarter master general, or to Charles Pettit,

[1] The Massachusetts letter is in the *Papers of the Continental Congress*, No. 65, I, folio 412; that of Jay, in No. 78, XIII, folio 113; that of Washington, in No. 152, VIII, folio 49; that of Frey is on folio 53, and his memorial is in No. 41, III, folio 196.

[2] This report, dated October 4, is in the *Papers of the Continental Congress*, No. 136, III, folio 695.

assistant Q. M. G., or the order of either of them, on an application of the 23 of September last, from Charles Pettit, Esq. assistant quarter master general, for five millions of dollars, for the use of the said department; and for which the said Major General Greene is to be accountable, viz.

A warrant on John Lawrence, Esq. commissioner of the continental loan office in the State of Connecticut, for four hundred thousand dollars.

Another warrant on Derick Ten Broeck, Esq. commissioner of the continental loan office in the State of New York, or his successor in office, for two hundred thousand dollars.

Another warrant on Joseph Borden, Esq. commissioner of the continental loan office in the State of New Jersey, for three hundred thousand dollars.

Another warrant on Thomas Harwood, Esq. commissioner of the continental loan office, in the State of Maryland, for three hundred thousand dollars.

Another warrant on William Armistead, Esq. commissioner of the continental loan office for the State of Virginia, for eight hundred thousand dollars; and,

Another warrant on the treasurer for three million dollars.

Resolved, That a person be appointed secretary to the Board of Ordnance, and pay master to the Board of War and Ordnance; and that he be allowed the same pay as a commissioner of the chamber of accounts.

The following gentleman was put in nomination,

Joseph Carleton by Mr. [Joseph] Hewes.[1]

On motion of Mr. [John] Collins, seconded by Mr. [Henry] Laurens,

Resolved, That a committee of three be appointed to prepare a further instruction to the minister plenipotentiary appointed to negotiate with the court of Spain relative to obtaining an article for allowing the

[1] This report, dated October 1, is in the *Papers of the Continental Congress*, No. 136, III, folio 689.

inhabitants of the United States the liberty of taking salt from Sal Tortuga.

The members chosen, Mr. [Henry] Laurens, Mr. [William] Paca, and Mr. [Roger] Sherman.

On motion of Mr. [Henry] Marchant, seconded by Mr. [Henry] Laurens,

Resolved, That the said committee be directed to prepare an instruction relative to the privilege of cutting logwood.

The commissions as agreed to, for the minister plenipotentiary to negotiate a treaty of amity and commerce and of alliance with the Court of Spain, and for the minister plenipotentiary for negotiating a treaty of peace and a treaty of commerce with G. Britain, being engrossed, with blanks left for inserting the names and titles of the ministers and also dates of the commissions,

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [William] Paca,

That the blank for the name and titles of the minister in the first commission be filled up with the words, "The honourable John Jay, esquire, late President of "Congress, and chief justice of the state of New York:" And that the first blank in the other two commissions, be filled up with the words, "The honourable John "Adams, esquire, late commissioner of the United States "of America at the court of Versailles, late delegate in "Congress from the state of "Massachusetts Bay, and "chief justice of the said state."

The first proposition being taken into consideration,

A motion was made by Mr. [Henry] Marchant, seconded by Mr. [George] Partridge, to strike out the words "late President of Congress and chief justice of the "state of New York."

And on the question, Shall those words stand, the yeas and nays being required by Mr. [Henry] Marchant—

New Hampshire,			*Pennsylvania*,		
Mr. Peabody,	ay	div.	Mr. Atlee,	ay	ay
Langdon,	no		*Delaware*,		
Massachusetts Bay,			Mr. Vandyke,	no	no
Mr. Gerry,	ay		*Maryland*,		
Holten,	ay	ay	Mr. Paca,	ay	
Partridge,	no		Forbes,	ay	ay
Rhode Island,			Jenifer,	ay	
Mr. Marchant,	no	div.	*Virginia*,		
Collins,	ay		Mr. Griffin,	ay	
Connecticut,			Mercer,	ay	ay
Mr. Sherman,	ay		Fitzhugh,	ay	
Huntington,	ay	ay	*North Carolina*,		
Root,	ay		Mr. Harnett,	ay	
New Jersey,			Hewes,	ay	ay
Mr. Fell,	ay		*South Carolina*,		
Houston,	ay	ay	Mr. Mathews,	no	no

So it was resolved in the affirmative.

On the question,

Resolved, That the first blank in the commission for negotiating with the court of Spain, be filled up with the words, "The honourable John Jay, esquire, late "President of Congress and chief justice of the state of "New York."

On debating the motion for filling up the like blanks in the other two commissions,

A motion was made by Mr. [John] Mathews, seconded by Mr. [Henry] Marchant, to strike out the words, "late commissioner of the United States of America "at the court of Versailles, late delegate in Congress "from the state of Massachusetts Bay, and chief justice "of the said state."

And on the question, Shall those words stand, the yeas and nays being required by Mr. [Henry] Marchant,

It was resolved in the affirmative, the members answering as in the foregoing question.[1]

On the question,

Resolved, That the like blanks in the other two commissions, namely, for negotiating a treaty of peace, and for negotiating a treaty of commerce with Great Britain, be filled up with, "The honourable John Adams, esquire, "late commissioner of the United States of America at "the court of Versailles, late delegate in Congress from "the state of Massachusetts Bay, and chief justice of "the said state."

Resolved, That the commissions be dated the twenty-ninth day of September, 1779.

The committee, to whom was recommitted the report respecting proper salaries for the ministers plenipotentiary and their secretaries, respectively, brought in a report, which was taken into consideration.

And a motion being made to strike out "three thou-"sand," reported by the committee for the salary of the ministers plenipotentiary—

On the question, Shall "three thousand" stand, the yeas and nays being required by Mr. [Henry] Marchant—

New Hampshire,				*New Jersey*,			
Mr. Langdon,		no	no	Mr. Fell,	ay	div.	
Massachusetts Bay,				Houston,	no		
Mr. Gerry,	ay	div.		*Pennsylvania*,			
Holten,	no			Mr. Armstrong,	no	div.	
Rhode Island,				Atlee,	ay		
Mr. Marchant,	no	no		*Delaware*,			
Connecticut,				Mr. Vandyke,	ay	ay	
Mr. Sherman,	no			*Maryland*,			
Huntington,	no	no		Mr. Paca,	ay		
Root,	ay			Forbes,	ay	ay	
New York,				Jenifer,	ay		
Mr. Lewis,	ay	ay*					

[1] The vote in detail is entered in the manuscript Secret Journal, Foreign Affairs.

Virginia,			*North Carolina,*		
Mr. Griffin,	ay	ay	Mr. Harnett,	ay	ay*
Mercer,	ay		*South Carolina,*		
Fitzhugh,	ay		Mr. Laurens,	no	div.
			Mathews,	ay	

So the states were equally divided, and that sum was struck out.

A motion was then made by Mr. [Elbridge] Gerry, seconded by Mr. [Cyrus] Griffin, that the blank be filled with "two thousand five hundred." And on the question to agree to this, the yeas and nays being required by Mr. [Henry] Marchant—

New Hampshire,			*Delaware,*		
Mr. Langdon,	no	no	Mr. Vandyke,	ay	ay
Massachusetts Bay,			*Maryland,*		
Mr. Gerry,	ay		Mr. Paca,	ay	
Holten,	no	no	Forbes,	ay	ay
Partridge,	no		Jenifer,	ay	
Rhode Island,			*Virginia,*		
Mr. Marchant,	no	no	Mr. Griffin,	ay	
Connecticut,			Mercer,	ay	ay
Mr. Sherman,	no		Fitzhugh,	ay	
Huntington,	ay	ay	*North Carolina,*		
Root,	ay		Mr. Harnett,	ay	ay*
New Jersey,			*South Carolina,*		
Mr. Fell,	ay	ay	Mr. Laurens,	no	div.
Houston,	ay		Mathews,	ay	
Pennsylvania,					
Mr. Armstrong,	no	div.			
Atlee,	ay				

So it was resolved in the affirmative.

A motion was then made by Mr. [Henry] Marchant, seconded by Mr. [Woodbury] Langdon, to strike out "one thousand," the sum reported as the salary for the secretaries. And on the question, Shall "one thou-

"sand" stand, the yeas and nays being required by Mr. [Woodbury] Langdon—

New Hampshire,			
Mr. Langdon,	no	no	
Massachusetts Bay,			
Mr. Gerry,	ay	ay	
Lovell,	ay		
Holten,	ay		
Partridge,	no		
Rhode Island,			
Mr. Marchant,	no	no	
Connecticut,			
Mr. Sherman,	no	no	
Huntington,	no		
Root,	no		
New York,			
Mr. Lewis,	ay	ay*	
New Jersey,			
Mr. Fell,	ay	div.	
Houston,	no		
Pennsylvania,			
Mr. Armstrong,	ay	div.	
Atlee,	no		
Delaware,			
Mr. Vandyke,	ay	ay	
Maryland,			
Mr. Paca,	ay	ay	
Forbes,	ay		
Jenifer,	ay		
Virginia,			
Mr. Griffin,	ay	ay	
Mercer,	ay		
Fitzhugh,	ay		
North Carolina,			
Mr. Harnett,	ay	ay	
Sharpe,	ay		
South Carolina,			
Mr. Laurens,	no	div.	
Mathews,	ay		

So it was resolved in the affirmative.

On the question,

Resolved, That each of the ministers plenipotentiary be allowed at the rate of two thousand five hundred pounds sterling per annum, and each of their secretaries at the rate of one thousand pounds sterling per annum, in full for their services and expenses respectively.

That the salary of each of the said officers be computed from the time of his leaving his place of abode, to enter on the duties of his office, and be continued three months after notice of his recall.

Ordered, That so much of the report as relates to providing for the payment of the above salaries be referred to the committee of commerce.[1]

Adjourned to 10 o'Clock to Morrow.

TUESDAY, OCTOBER 5, 1779

A letter, of 30 September, from Major General Sullivan, was read, enclosing sundry papers giving an account of the success of his expedition into the Indian country.

Ordered, That it be referred to the Committee of Intelligence.

A letter, of 3 October, from Major ElishaWalton, ~~giving an account of the French fleet under the command of Count d'Estaing~~ was read:[2]

Resolved, That to morrow, immediately after reading the journal, Congress be resolved into a committee of the whole to consider the subject of finance.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, OCTOBER 6, 1779

Mr. G[ouverneur] Morris, a delegate for New York, attended, and took his seat in Congress.

According to order Congress was resolved into a committee of the whole on the subject of Finance, and after some time, the President resumed the chair, and Mr. [Daniel of St. Thomas] Jenifer reported, that the committee have come to sundry resolutions which he was ordered to report, and farther to desire leave to sit again:

[1] These proceedings were entered only in the manuscript Secret Journal, Foreign Affairs. It has been impossible to follow the entries contained in this Journal *verbatim*.

[2] Sullivan's letter is in the *Papers of the Continental Congress*, No. 160, folio 302; that of Walton, in No. 78, XXIV, folio 89.

The report being received, was read.

A letter, of this day, from Major General Arnold, was read:[1]

On motion of Mr. [Gouverneur] Morris, seconded by Mr. [Elbridge] Gerry,

Ordered, That the President inform General Arnold that his application ought to be made to the executive authority of the State of Pensylvania, in whose disposition to protect every honest citizen Congress have full confidence, and highly disapprove the insinuations of every individual to the contrary.

Congress resumed the consideration of the report of the committee of the whole; and thereupon,

Resolved, That, in addition to the sums required by the resolutions of Congress of the 22 November, 1777, and 2 January and 21 May, 1779, the several states be called on to raise, in such manner as they may judge expedient, sufficient sums to enable them to pay into the continental treasury or to the order of Congress, on the first day of February next, and on the first day of each succeeding month, until the first of October next, inclusive, their respective proportions of fifteen million dollars:

That all sums which may be so paid by any of the states during the continuance of the war, shall be passed to their respective credits, on the terms prescribed by the first article of a resolution of Congress of the 22 November, 1777:

And that the several states be respectively charged with the annual interest of six per centum on all deficiencies in the payment of the several quotas which have been or may be required of them:

On passing this clause, the yeas and nays being required by Mr. [Henry] Laurens,

[1] This letter is in the *Papers of the Continental Congress*, No. 162, folio 185.

New Hampshire,		
Mr. Peabody,	ay	ay
Langdon,	ay	
Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	ay	
Holten,	ay	
Partridge,	no	
Rhode Island,		
Mr. Marchant,	ay	ay
Connecticut,		
Mr. Sherman,	ay	ay
Huntington	ay	
Root,	no	
New York,		
Mr. Morris,	ay	ay
Lewis,	ay	
New Jersey,		
Mr. Fell,	ay	ay
Houston,	ay	
Pennsylvania,		
Mr. Armstrong,	no	ay
Atlee,	ay	
Wynkoop,	ay	
Delaware,		
Mr. Van Dyke,	ay	ay
Maryland,		
Mr. Forbes,	ay	ay
Jenifer,	ay	
Virginia,		
Mr. Griffin,	ay	ay
Mercer,	ay	
Fitzhugh,	ay	
North Carolina,		
Mr. Harnett,	no	no
Sharpe,	no	
South Carolina,		
Mr. Laurens,	no	no
Mathews,	no	

So it was resolved in the affirmative.

Resolved, That the encouragement offered by the resolution of Congress of the 29 June last, for promoting loans, be extended to all sums which may be paid into the continental loan offices on or before the 1st day of March next, to the amount of the blank loan office certificates which are already ordered to be struck by Congress:

That any person subscribing 10,000 dollars or upwards, shall be allowed to pay one half thereof within fourteen days after the subscription, and the residue at the end of two months after the first payment, the whole to bear interest from the time of the first payment, if the other is punctually made.

Resolved, That a committee of one member from each State be appointed to consider and report the sums to be paid into the continental treasury by the respective states,

to make up the 15 millions required in the foregoing resolutions: the members chosen, Mr. [William Churchill] Houston, Mr. [Nicholas] Van Dyke, Mr. [Elbridge] Gerry, Mr. [Henry] Laurens, Mr. [Henry] Marchant, Mr. [Cornelius] Harnett, Mr. [Nathaniel] Peabody, Mr. [Roger] Sherman, Mr. [James] Mercer, Mr. [Samuel] Atlee, Mr. [Daniel of St. Thomas] Jenifer and Mr. [Gouverneur] Morris.

Resolved, That to morrow ~~immediately after reading the dispatches,~~ Congress be resolved into a committee of the whole to consider further the subject of finance.

Ordered, That the report of the committee of the 23d July be referred to the said committee.

Another letter, of this day, from General Arnold, was read.[1]

Adjourned to 10 o'Clock to Morrow.

THURSDAY, OCTOBER 7, 1779

A letter, of 25 September, from the governor of Virginia, was read:

Ordered, That it be referred to the Board of War.

A letter, of 5, from R. Bache, post master general, was read:[2]

Ordered, That it be referred to the committee on the post office; and that three members be elected for that committee, in the room of Mr. S[amuel] Adams, Mr. [William] Ellery and Mr. R[ichard] H[enry] Lee, who are absent:

The members chosen, Mr. [Cyrus] Griffin, Mr. [Samuel] Holten and Mr. [William Churchill] Houston.

A letter, of 25 September, from Mons. L'Église was read:[3]

Ordered, That it be referred to the Board of War.

[1] This letter is in the *Papers of the Continental Congress*, No. 162, folio 187.

[2] Jefferson's letter is in the *Papers of the Continental Congress*, No. 71, I, folio 271; that of Bache, in No. 61, folio 43.

[3] This letter is in the *Papers of the Continental Congress*, No. 78, VIII, folio 331.

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [Gouverneur] Morris,

Resolved, That it be recommended to the several states to direct their treasurers to transmit to Congress, on the first day of every month, returns of the sums which they may have respectively received for supplying the continental treasury; that the money mentioned therein be credited from the respective dates of the returns, and that the same be entered on the journals of Congress.

The committee appointed to apportion the quotas of the respective states, brought in a report; Whereupon,

Resolved, That the quotas of the several states to make up the monthly assessment of fifteen millions of dollars, to be paid the first day of February next, and the first day of each succeeding month, to the first day of October next, inclusive, be as follows:

New Hampshire,	400,000	Delaware,	170,000
Massachusetts Bay,	2,300,000	Maryland,	1,580,000
Rhode Island, &c.	200,000	Virginia,	2,500,000
Connecticut,	1,700,000	North Carolina,	1,000,000
New York,	750,000	South Carolina,	1,200,000
New Jersey,	900,000		
Pennsylvania,	2,300,000		15,000,000

Georgia being invaded, is hereafter to raise its proportion.

On motion of Mr. [William Churchill] Houston, seconded by Mr. [Gouverneur] Morris,

Resolved, That neither the present nor any former apportionment of quotas of taxes to the several states be considered as a precedent.[1]

Adjourned to 10 oClock to Morrow.

[1] This report, in the writing of William Churchill Houston, and motion, in the writing of Roger Sherman, are in the *Papers of the Continental Congress*, No. 26, folio 65.

FRIDAY, OCTOBER 8, 1779

A letter, of 4, from General Washington, and one, of the same date, from J. Wadsworth, commissary general of purchases, were read:[1]

Ordered, That they be referred to the delegates of Delaware, Maryland and South Carolina, to take order thereon.

The Marine Committee laid before Congress a letter, of 27 [23] September, from J. Bradford, continental agent at Boston, which was read:[2]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [James] Mercer, Mr. [John] Mathews, and Mr. [James] Forbes.

The Marine Committee also laid before Congress a letter, of 7, from the navy board in the middle district:[3]

Ordered, That so much thereof as relates to James Anderson, detected in selling a quantity of hemp belonging to the public, be referred to a committee of three:

The members chosen, Mr. [Jesse] Root, Mr. [William] Paca, and Mr. [Henry] Marchant.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of the delegates for the State of New York, for three hundred dollars, for which the said State is to be accountable.[4]

The auditor general reports, that agreeably to the order of the Board of Treasury, he has examined the accounts of

[1] Washington's letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 73. It is printed in the *Writings of Washington* (Ford), VIII, 73; that of Wadsworth, in No. 78, XXIV, folio 93.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, III, folio 351.

[3] This letter is in the *Papers of the Continental Congress*, No. 37, folio 151.

[4] This report, dated October 6, is in the *Papers of the Continental Congress*, No. 136, III, folio 703.

William Govett, late deputy auditor general, for sundry contingent expences paid by order of the Board, and finds there is due to the said William Govett, a ballance amounting to forty one dollars and forty ninetieths:[1]

Ordered, That the said ballance be paid.

The commissioners report,

That there is due to Samuel Downe, one of the commissioners for counting and destroying the emissions of April and May, for his services to the 23 September, last, the sum of seven hundred and ninety eight dollars:

That there is due to Robert Jewell, keeper of the State prison in Philadelphia, for salary for himself and assistants and sundry supplies to the 23d September, the sum of eight hundred and sixty seven pounds one shilling, equal to two thousand three hundred and twelve dollars and 12/90.

That there is due to Monsr. Lotbinier, chaplain to Colonel Livingston's regiment, for his pay and subsistance, for the month of September, two hundred and forty dollars.

That there is due to Robert Patton, messenger to Congress for his attendance, from the 8th day of May last, to the 30th of September, both days included, at 8 dollars per day, the sum of eleven hundred and sixty eight dollars.

That there is due to William Hurrie, for his pay as doorkeeper to Congress, from the 1st day of April, to the 30th of September, both days included, and for cleaning the rooms, thirteen hundred and sixty five dollars and 45/90.[2]

CHAMBER OF ACCOUNTS,
Philadelphia, October 5th, 1779.

The Commissioners, report, that they have examined the accounts of Nicholas and Mark Fouquet and find that there is due to,

[1] This report, dated October 2, is in the *Papers of the Continental Congress*, No. 136, III, folio 693.

[2] This report is in the *Papers of the Continental Congress*, No. 136, III, folio 707.

	Dollars.
Mark Fouquet for his pay as Lieutenant of Artillery, from 17th November, 1777, to 17th Novr, 1779, being two years, the sum of	960
And for a gratuity for his services instructing different people in the several Eastern States in the art of powder making, agreeable to his contract with the Board of War, the sum of 3000 Livres tournois which he is to receive agreeable to an order of the Honble Board of Treasury at the rate of 18 dollars continental money for every 5 Livres aforesaid making	10, 80
The whole amounting to	11, 760
That he has received from the Board of War on account of his pay	81
Which leaves a balance due to him of	11, 679
That there is due to Nicholas Fouquet for his pay as Captain of Artillery from the 17th November, 1777, to the 17th November, 1779, being two years	1, 200
That he has received of the Board of War on account of his pay	120
Which leaves a balance due to him of	1, 080
That there is due him for two years services instructing different people of the several Eastern States in the Art of Powder Making, agreeable to his Contract with the Board of War, and for which he expects to receive in Bills of Exchange on France the sum of six thousand Livres Tournois.	
That they have received the following sums for the payment of their expenses on the Road thro' the different States, which they are to be allowed agreeable to the instructions of the Board of War:	Dollars.
From the Board of War	100
General Clinton, New York	100
Governor Brown, Rhode Island	108
Governor and Council, Massachusetts Bay	400
do do , Portsmouth	800
Amounting to	1, 508

Which they received from the time they left York Town, February, 1778, and returned the latter end of September, 1779, during which time they travelled thro' the several Eastern States on the business upon which they were employed by the Board of War.[1]

That there is due to Mark Fouquet, for his pay as lieutenant of artillery, from 17th November, 1777, to 17th November, 1779; and for his services instructing different people in the eastern states, in the art of powder making, agreeable to his contract with the Board of War, a ballance of eleven thousand six hundred and seventy nine dollars.

That there is due to Nicholas Fouquet, for his pay as captain of artillery, from the 17th November, 1777, to 17 November, 1779, being two years, a ballance of one thousand and eighty dollars. And for his two years services instructing different people of the several eastern states in the art of powder making, agreeable to his contract with the Board of War, the sum of six thousand livres tournois:

Ordered, That the said accounts be paid.

Ordered, That the Board of Treasury prepare a set of bills of exchange, in favour of Captain Nicholas Fouquet, for six thousand livres tournois:

Ordered, That the report of the commissioners on the accounts of Jonathan Burrell, Esq. assistant pay master general in the Peekskil district, from the 21 February, to 27 June, 1779, inclusive, be referred to the Board of Treasury to take order thereon.

Ordered, That the report of the commissioners on the account of Colonel George Morgan for the expences of John Dodge and deputies, from the Delaware tribe to Congress, be referred to a committee of three:

[1] This report, dated October 5, is in the *Papers of the Continental Congress*, No. 136, III, folio 699.

The members chosen, Mr. [Henry] Laurens, Mr. [James] Mercer, and Mr. [John] Armstrong.

Congress proceeded to the election of a committee on the memorial of George Morgan, agreeably to the order of 14 September last; and, the ballots being taken, the members chosen are,

Mr. [John] Witherspoon, Mr. [Daniel of St. Thomas] Jenifer, Mr. [Samuel] Atlee, Mr. [Roger] Sherman and Mr. [Nathaniel] Peabody.

Ordered, That the petition of William Trent, in behalf of Thomas Walpole and his associates, be referred to the foregoing committee.

On motion of Mr. [James] Mercer, seconded by Mr. [Cyrus] Griffin,

Resolved, That it be an instruction to the said committee to enquire into the foundation of the objection formerly made by the Virginia delegates upon the reading of the said petition and memorial, to the jurisdiction of Congress on the subject matter of the said papers, and first report the facts relating to that point.

Ordered, That the report of the commissioners on the claim of Richard Philips be referred to the Board of Treasury.

Ordered, That two members be added to the committee appointed to prepare an address to the several states, on the subject of the several resolutions of Congress relative to finance, in the room of Mr. [John] Dickinson and Mr. [Meriwether] Smith.

The members chosen, Mr. [John] Witherspoon, and Mr. [Gouverneur] Morris.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, OCTOBER 9, 1779

A letter, of 2, from General Washington, was read, enclosing an extract of a letter from General Gates, of 24 September:[1] Whereupon,

Resolved, That General Washington be informed, in answer to his letter, of the 2 inst. that the subsistence money granted by the act of the 18th August, extends only to the officers and privates of the continental army; and that the militia who are or may be called out are only to receive the subsistence granted previous to the act aforesaid.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Charles Stewart, Esq. commissary general of issues, for two hundred and ninety eight thousand eight hundred dollars, for the pay of the several issuing commissaries and clerks, from the first day of February to the first of November last; and for which the said commissary general of issues is to be accountable.

That a warrant issue on the treasurer, in favour of Robert Troup, Esq. secretary to the Board of Treasury, on his application, for three thousand dollars; for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Joseph Nourse, Esq. assistant auditor general, on his application, for three thousand dollars; and for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Joseph Carleton, Esq. pay master to the Board of War and Ord-

[1] Washington's letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 67; that of Gates, is on folio 71.

nance, on his application, for three thousand dollars; and for which he is to be accountable.[1]

On motion of the committee on the letters from General Washington and J. Wadsworth, commissary general of purchases;

Resolved, That the president of Delaware, and the governors of Maryland and South Carolina respectively be, and they are hereby, requested and authorized to draw on the several treasurers in those states, for such sums of money as shall be found necessary for paying the amount of purchases of flour and rice which shall be made under the direction of a committee of the delegates of the said states, in pursuance of a resolution of Congress of the 8th instant, such sums to be drawn from the money arising from taxes raised and to be raised and paid into the several treasuries of the said states, on the 1st January, 1780, transmitting to Congress, as early as possible, an account of the sums so drawn from the treasurers.

The committee to whom was referred a memorial of Timothy Taylor and John Thomson, report:

That they have examined the papers referred to them, and find sufficient vouchers to prove that there was taken by Colonel Stewart, by order of General Washington, from the fulling mill of Thomas Jenks, in Bucks county, Pensylvania, cloth amounting in value to the sum of 7467 dollars; Whereupon,

Resolved, That a warrant issue on the treasurer in favor of Henry Wynkoop, Esq. one of the delegates for Pensylvania, for the above sum of seven thousand four hundred and sixty seven dollars, to be put into the hands of Thomas Jenks, and by him paid to the owners of the said cloth.

[1] This report, dated October 8, is in the *Papers of the Continental Congress*, No. 136, III, folio 711. It also contained the paragraph on Thomas Bradford, which was postponed and agreed to November 15, p. 1268, *post*.

The same committee, to whom was also referred the petition of John Hart, Esq. report,

That they have examined the papers referred to them, and find sufficient vouchers to prove that a large quantity of cloth was, by order of General Washington, taken from the fulling mill of John Hart, kept by Francis Gaspar; that a part of the said cloth was sold in General Mifflin's office, amounting to the value of 134 69/90 dollars; that the cloth, of the re-delivery of which there is no evidence, amounted in value to 1,067 dollars; Whereupon,

Resolved, That General Mifflin be directed to pay the above sum of one hundred and thirty four and sixty nine ninetieth dollars, to Dr. J. Witherspoon, one of the delegates for the State of New Jersey; and that a warrant issue on the treasurer to pay to the said Dr. J. Witherspoon, one thousand and sixty seven dollars, to be delivered to Jacob Bergen, Esq. justice of the peace in the county of Somerset, New Jersey, and by him paid to the several persons whose cloth is contained in the miller's account; taking an oath of each of them before payment, that they had not before received their several pieces.[1]

The committee of ways and means, having, agreeably to order prepared the draught of a circular letter to accompany the resolutions relative to finance, reported the same, and desired leave to sit again.

The draught being read, was agreed to as follows:

SIR: I have the honor to transmit to your excellency sundry resotions of Congress of the 6th and 7th instant, for supplying the continental treasury, and to request the earliest communication of them to the legislative authority of your State.

The money which Congress are at liberty to emit will probably be expended in the beginning of December next, and subsequent supplies must be furnished by the states. This evinces the necessity of the punctual payments of their respective quotas, on which their

[1] These two reports, in the writing of John Witherspoon, are in the *Papers of the Continental Congress*, No. 19, VI, folio 15.

public credit, the existence of their army, and the support of their liberties, so greatly depend.

Congress are deeply concerned to find that the sums required are so great; but since the emissions are limited, they doubt not that the operation of taxes and other salutary measures in the course of the year will reduce the prices of articles, and enable them to lessen the quotas required, or apply part thereof to diminish the public debt. To promote so desirable an object, Congress, on their part, will endeavour to observe the strictest œconomy in the expenditures.

I have only to add that warrants will be issued on the treasurers of the respective states, for the quotas to be furnished on the first of January next, and that I remain with the greatest respect, &c.

President.[1]

Ordered, That the committee have leave to sit again.

The following appeals were lodged with the secretary of Congress, and referred to the Committee on Appeals, viz;

An appeal from the judgment of the court of admiralty in Massachusetts bay on the libel Stephen Cleland and others *vs.* the ship *Francisco de Paula* al[s] *Valenciano;*

An appeal from the judgment of ditto on the libel Samuel Cabot and others *vs* brig *Neustra Seniora de Merced.*

An appeal from do. on the libel Board of War for the State of Massachusetts bay *vs* ship *Victoria.*

An appeal from do. on the libel Nathaniel Tracy and others *vs* ship *Santos y Martyros* al[s] *The holy Martyrs.*

Congress proceeded in the consideration of foreign affairs, and some time being spent thereon,

The committee appointed to prepare a commission for the secretaries, brought in a draft, which was agreed to as follows:

The United States of America in Congress assembled—To Greeting:

We, reposing especial trust and confidence in your patriotism, ability, conduct and fidelity, do by these presents constitute and appoint you during our pleasure, secretary to our minister

[1] This draft, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 26, folio 71.

plenipotentiary appointed to you are therefore carefully and diligently to discharge the duty of secretary, by doing and performing all things thereunto belonging. And in case of the death of our said minister, you are to signify it to us by the earliest opportunity; and on such event, we authorize and direct you to take into your charge all our publick affairs, which were in the hands of our said minister at the time of his death, or which may be addressed to him before notice thereof, and proceed therein according to the instructions to our said minister given, until our further orders.

Witness, President of the Congress of the United States of America, at the day of 17 and in the year of our independence.

The said committee reported the draft of a letter of credence to the secretary of a minister plenipotentiary residing at a foreign court, which was agreed to as follows:

[Insert the address of the king, prince or potentate.]

Taking into consideration the various events which may deprive us of the services of our minister plenipotentiary at your court, and being desirous that at all times you should be assured of our constant good will and affection, we have nominated secretary to our minister in case of the death or the necessary absence of our said minister, to reside at your court, and to transact all such matters and things relating to us, as may from time to time be necessary. We beseech you to give entire credit to every thing which he shall deliver on our part, especially when he shall assure you of the permanency of our friendship. And we pray God, that he will keep your in his holy protection.

Done at the day of in the year of our Lord and in the year of our independence.[1]

[1] This draft, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 25, I, folio 271. The two papers were entered only in the manuscript Secret Journal, Foreign Affairs. The commission and letter of credence issued to John Laurens, both dated September 29, are in No. 165, folio 5, and No. 25, folio 405.

Ordered, That the said committee prepare the form of a letter of credence to Mr. Jay, to represent these states at the court of Spain, in case a treaty shall be signed with that court.

Adjourned to 10 o'Clock on Monday.

MONDAY, OCTOBER 11, 1779

Mr. [George] Plater, a delegate from Maryland, attended and took his seat in Congress.

A letter, of 2, from Major General Sullivan, was read, enclosing a copy of his speech to the Oneida warriors, and their answer:[1]

Ordered, That a copy thereof be sent to the commissioners of Indian affairs in the northern district.

Ordered, That the said letter, with the papers enclosed; and also his letter, of 30 September, be referred to the Board of War.

A letter, of 2, from Brigadier James Clinton, was read:

Ordered, That it be referred to the Board of Treasury.

A petition of Joseph Conand was read:

Ordered, That it be referred to the Committee of Commerce.

A representation from Nicholas and Mark Fouquet, was read:[2]

Ordered, That it be referred to the Board of War.

A letter, of June 30, and one, of 22 July last, from J. Bondfield;

One, of 22, and one, of 26 April; one, of 21 May, and one, of 21 June last, from A. Lee;

One, of 25 February and 25 March, and one, of 17 March, from W. Lee, were read; the latter accompanied with a paper

[1] Sullivan's letter is in the *Papers of the Continental Congress*, No. 160, folio 328; his speech is on folio 332.

[2] Clinton's letter is in the *Papers of the Continental Congress*, No. 163, folio 5; that of Fouquet, in No. 43, folio 81.

in answer to the publication, December 5, 1778, signed S. Deane.

A representation from the legislative council and general assembly of the State of New Jersey, was read:[1]

Ordered, That it be referred to a committee consisting of a member from each State:

The members chosen, Mr. [James] Mercer, Mr. [Henry] Marchant, Mr. [Roger] Sherman, Mr. [John] Witherspoon, Mr. [Gouverneur] Morris, Mr. [Nicholas] Vandyke, Mr. [John] Mathews, Mr. [Nathaniel] Peabody, Mr. [Samuel] Holten, Mr. [James] Forbes, Mr. [William] Sharpe, and Mr. [Henry] Wynkoop.

Ordered, That Mr. [John] Armstrong have leave of absence.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Richard Philips, steward to the President of Congress, for five thousand dollars, for the supply of the President's table; and for which the said steward is to be accountable.

That a warrant issue on the treasurer, in favour of John Nicholson, clerk in the chamber of accounts, for three thousand dollars, on his application; and for which he is to be accountable.[2]

Adjourned to 10 o'Clock to Morrow.

TUESDAY, OCTOBER 12, 1779

A letter, of 23 September, from Colonel D. Broadhead, at Fort Pitt, directed to the Board of War, was laid before Congress and read, accompanied with a copy of a letter from Colonel Broadhead to General Washington, giving an account of his successful expedition against the Senecas and

[1] This representation is in the *Papers of the Continental Congress*, No. 68, folio 467.

[2] This report, dated October 9, is in the *Papers of the Continental Congress*, No. 136, III, folio 715.

Munsey nations, and copies of his conferences with the Delawares, Wyandots, and Maquechees tribe of Shawanese:

Ordered, That the papers enclosed in Colonel Broadhead's letter be referred to the Committee of Intelligence.

The committee, to whom was referred a letter of 21 August last, from the Board of War, respecting their complaint of the general orders issued by Major General Sullivan, on the 21 July last, at Wyoming, brought in a report, which was read:

The Committee to whom were referred a letter, of the 31 of August last, from the Board of War respecting their complaint of the General Orders Issued by General Sullivan, on the 21 July last, at Wyoming, reflecting on that Board. Report:

That they have examined the letters, that passed between General Washington General Sullivan and the Board of War, relative to the supplies to be furnished by that Board, to General Sullivan's army, and find, that the following articles have been supplied by the Board to General Sullivan's Army, Vizt, 8000 p^{r} Shoes, 3000 Shirts, 3000 p^{r} Overalls, 2000 hunting shirts, and 500 blankets. And further find that General Sullivan's requisitions have always been indefinite, requiring a large supply, but no certain quantity ever specified by him, previous to the issuing the said General orders, which rendered it impracticable for the Board of War to ascertain what were his wants. The only article that appears to be deficient are blankets. Of this Article the Board had in store no more than 1000, nor were more at that time to be procured; one half of which were sent to General Sullivan's Army, to the detriment of the troops of the grand Army. On the whole your Committee are of opinion that the Board of War, have done as much as in them lay, to comply with General Sullivan's requisitions, and to promote the public service. Nor do they think any engagements made to General Sullivan by the Board of War, are such, as can in any manner, authorize the censure contained in his General orders of the 21 July last. Therefore recommend the following resolution to be come into by Congress:

Resolved that the censure contained in General Sullivan's General orders of the 21 July last, against the Board of War, are without foundation.[1]

[1] This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 19, V, folio 449.

Ordered, That it be re-committed.

Ordered, That two members be elected for the said committee in the room of Mr. [John] Armstrong, who has leave of absence, and of Mr. [Jesse] Root, who is a member of the Board of War.

The members chosen, Mr. [John] Witherspoon and Mr. [Gouverneur] Morris.

The Board of War, to whom was referred the representation of Nicholas and Mark Fouquet, brought in a report; Whereupon,

Present, M^r. Root, M^r. Atlee, and M^r. Peters

The Board taking into consideration the representation of Mess^rs. Fouquet referred to them by Congress beg leave to report:

That the Board have seen the testimonials produced by Mess^rs. Fouquet of their conduct since their being employed under the contract made at York Town, and have every reason to be satisfied with the proceedings of Mess^rs. Fouquet, who have in the opinion of the Board been extremely useful in reforming the practice of powder making, and disseminating the knowledge of that art throughout those states, wherein they have had an opportunity of giving instructions to the Manufacturers. That they have been very industrious in their business and open in their communications, having given every necessary instruction without the least reserve. They have written treatises on the subject of Salt petre and powder making, which the Board have procured to be published, and they have left models of a Powder Mill and a Machine to bore Mortars with the Board.

That they were taught to believe that the bills of Exchange for the 900 livres would be redelivered them at the expiration of the period mentioned in the contract, as well as the sum therein specified. The bills were actually drawn and delivered to Mess^rs. Fouquet, as they were to the other officers of Mons^r. Du Coudray's Corps, all of whom (Mess^rs. Fouquet excepted) have received the money thereupon. Mess^rs. Fouquet deposited their Bills in hopes of a return of them or other Bills when called for. The Board therefore, considering the utility of these gentlemen, and that their pay has not been nearly sufficient for their support, beg leave to recommend that it be

Resolved, That Messrs. Nicholas and Mark Fouquet, having been employed in the service of the United States for two years, in superintending the business of manufacturing powder and salt petre, and having conducted themselves with much reputation, and evidenced their utility to the United States, have thereby recommended themselves to the favorable opinion of Congress.

That bills of exchange for 900 livres be delivered to those gentlemen respectively, beside the sum mentioned in their contract with the Board of War and Ordnance.[1]

The following gentlemen were put in nomination for officers of the Board of Treasury:

For auditor general: Mr. J. Nourse, by Mr. [William] Sharpe.

For commissioners: Mr. J. Gibson, by Mr. [Henry] Laurens and Mr. [Samuel] Atlee; Mr. Jonathan Trumbull Jun. by Mr. [George] Partridge; Mr. Ezekiel Foreman, by Mr. [Daniel of St. Thomas] Jenifer;

Mr. James Milligan, Mr. William Govett, Mr. Resolve Smith, Mr. William Geddes, Mr. Mercier and Mr. McComb, the present commissioners, [nominated] by Mr. [Henry] Laurens; Mr. James Stevenson, by Mr. [John] Armstrong; ~~Mr. William Denning, by Mr. [John] Fell.~~ Mr. Joseph Gilman, by Mr. [Nathaniel] Peabody.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, OCTOBER 13, 1779

A letter, of 31 May last, from A. Lee, was read; Whereupon,

On motion of Mr. [James] Lovell, seconded by Mr. [Gouverneur] Morris,

[1] The last three paragraphs were in the writing of George Bond. This report is in the *Papers of the Continental Congress*, No. 147, II, folio 519.

Resolved, That Mr. A. Lee be informed of Mr. Jay's appointment, and that, agreeably to his request, he is at liberty to return to America.

A memorial of Alexander Bensted, pay master to the 10th Pensylvania regiment, was read:

Ordered, That it be referred to the Board of Treasury.

A petition from Gideon Olmstead, in behalf of himself and others, captors of the sloop *Active*, was read: [1]

Ordered, That it be referred to the committee appointed to confer with a committee of the general assembly of Pensylvania, relative to the carrying into execution the decree of the court of appeals concerning the sloop *Active*.

A letter, of 11, from Major Elisha Walton, directed to Mr. [William Churchill] Houston, was laid before Congress, and read:

Ordered, That it be referred to the Marine Committee.

A letter, of 26 April, from A. Lee, was read, accompanied with a memorial, dated Paris, April 23, 1779, on the conduct of Doctor Franklin and Jonathan Williams, touching the accounts of the latter; and another paper dated Paris, May 1, 1779, relative to Doctor Franklin's demand of some public papers.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. J[ohn] Fell, one of the delegates for the State of New Jersey, on his application, for two thousand dollars; for which the said State is to be accountable.[2]

That a warrant issue on the treasurer, in favour of Mr. F[rancis] Lewis, one of the delegates for the State of New York, on his application, for eight thousand dollars; for which the said State is to be accountable.

[1] Bensted's memorial is in the *Papers of the Continental Congress*, No. 41, I, folio 194; Olmstead's petition is in No. 42, VI, folio 31.

[2] This report, dated October 12, is in the *Papers of the Continental Congress*, No. 136, III, folio 717.

That a warrant issue on the treasurer, in favour of Mr. W[oodbury] Langdon, one of the delegates for the State of New Hampshire, on his application, for six thousand dollars; and for which the said State is to be accountable.[1]

On motion of Mr. [John] Mathews, seconded by Mr. [Nathaniel] Peabody,

Resolved, That Mr. Jacob Hiltzheimer be authorized and directed to provide for the horses belonging to members of Congress; that for this purpose the commissary general of forage be directed to supply him with such articles of forage, and of such qualities as he shall direct; together with the accounts of the cost thereof; that each member be, from time to time, furnished with an account of the expence of keeping his horses, by the said Jacob Hiltzheimer, and that the same be paid to the pay master of the Board of War and Ordnance, in the mode prescribed by a resolution of Congress on the 17th of August, 1778.[2]

A letter, of the 12th, from the Board of War, was read.[3]

Mr. [John] Jay having desired to be informed, 1st., in what manner he is to be supplied with money for his expences on his arrival in Europe; 2d., whether he will be allowed any money for secret services; 3d., whether he is to advance money to distressed Americans, who may apply to him:

Ordered, That the same be referred to a committee of three.

The members—Mr. [Henry] Laurens, Mr. [Daniel of St. Thomas] Jenifer, Mr. [Woodbury] Langdon.

A letter of July 10, 1779, from J. G. Derricks, at Amsterdam, and sundry letters between governour Trumbull and the said Mr. Derricks, being laid before Congress, were referred to the said committee

[1] This report, dated October 12, is in the *Papers of the Continental Congress*, No. 136, III, folio 721

[2] This paragraph is in the writing of George Bond.

[3] This letter is in the *Papers of the Continental Congress*, No. 147, II, folio 515.

Ordered, That Mr. [John] Witherspoon and Mr. [James] Lovell, members of the committee for foreign affairs, be added to the foregoing committee.

Ordered, That the said committee prepare the instruction to the minister plenipotentiary appointed to negotiate with the court of Spain, to endeavour to obtain for the United States the liberty of taking salt from Sal Tortuga, and cutting logwood and mahogany in the bay of Honduras; and that the former committee be discharged of that business.[1]

A motion was made by Mr. [John] Witherspoon, seconded by Mr. [Gouverneur] Morris,

That the minister of these states to his Catholick Majesty be privately instructed to recede from the claim of a free navigation of the river Mississippi, mentioned in his instructions, below the thirty-first degree of north latitude, on condition of a grant of a free port therein also mentioned, if the obtaining such navigation shall be found an insuperable bar to the proposed treaties of amity and commerce between these states and his Catholick Majesty: Provided always, that the power herein contained be confined to the said minister, and not, in case of his death, or absence, to be exercised by any other person.[2]

A division was called for. And on the question to agree to the first clause, as far as to the proviso, the yeas and nays being required by Mr. [James] Mercer—

[1] In apparent forgetfulness of the action taken on October 4, a motion was this day made by Mr. Marchant, seconded by Mr. Witherspoon, for the appointment of a committee on this subject. The motion was adopted, and Laurens, Jenifer and Langdon named for the committee. The entries were struck out, and the action noted in the text adopted.

[2] This motion, in the writing of John Witherspoon, is in the Library of Congress [M. S. R.].

New Hampshire,			*Maryland,*		
Mr. Peabody,	ay	ay	Mr. Plater,	ay	ay
Langdon,	ay		Forbes,	ay	
Massachusetts Bay,			Jenifer,	ay	
Mr. Lovell,	no	div.	*Virginia,*		
Holten,	ay		Mr. Griffin,	no	no
Rhode Island,			Mercer,	no	
Mr. Marchant,	no	no	Fitzhugh,	no	
Connecticut,			*North Carolina,*		
Mr. Sherman,	no	no	Mr. Harnett,	no	no
Huntington,	no		Hewes,	ay	
Root,	no		Sharpe,	no	
New York,			*South Carolina,*		
Mr. Morris,	ay	ay	Mr. Laurens,	no	no
Lewis,	ay		Mathews,	no	
New Jersey,					
Mr. Witherspoon,	ay	ay			
Fell,	ay				
Pennsylvania,					
Mr. Armstrong,	no	no			
Atlee,	ay				
Muhlenberg,	no				

So it passed in the negative.[1]
Adjourned to 10 o'Clock to Morrow.

THURSDAY, OCTOBER 14, 1779

A letter, of 9th, from General Washington, was read, enclosing a letter of 28th September, from Major General Sullivan, at Chemung, giving an account of his successful expedition against the hostile Indians;[2] Whereupon,

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [Gouverneur] Morris,

[1] These proceedings were entered only in the manuscript Secret Journal, Foreign Affairs.

[2] Washington's letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 81; that of Sullivan, on folio 85.

Resolved, That the thanks of Congress be given to his Excellency General Washington, for directing, and to Major General Sullivan, and the brave officers and soldiers under his command, for effectually executing an important expedition against such of the Indian nations as, encouraged by the councils and conducted by the officers of his Britannic majesty, had perfidiously waged an unprovoked and cruel war against these United States, laid waste many of their defenceless towns, and with savage barbarity slaughtered the inhabitants thereof.

A letter, of 1, from General Washington; and

One from Major Noirmont de la Neuville, were read, accompanied with sundry certificates in his favour:

Ordered, That they be referred to the Board of War.

A letter, of 13 September, from Major General Gates was read:[1]

Ordered, That it be referred to the Board of Treasury.

A petition of Thomas Pierce was read:

Ordered, That it be referred to the Marine Committee to take order thereon.

A letter, of this day from J. Connolly, was read:[2]

Ordered, That it be referred to the Board of War, to take order.

On motion of Mr. [Henry] Marchant, seconded by Mr. [Jesse] Root,

Resolved, That it will be proper to set apart the second Thursday in December next as a day of general thanksgiving in these United States, and that a committee of four be appointed to prepare a recommendation to the said states for this purpose:

[1] Washington's letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 63; that of La Neuville, in No. 78, XI, folio 459; that of Gates, in No. 154, II, folio 190.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, V, folio 417.

The members chosen, Mr. [Jesse] Root, Mr. [Samuel] Holten, Mr. [Frederick A.] Muhlenberg, and Mr. [Gouverneur] Morris.

Resolved, That two members be elected for the Committee on Appeals, in the room of Mr. [William Henry] Drayton, deceased, and Mr. [William] Paca, who is absent:

The members chosen, Mr. [James] Mercer, and Mr. [Cyrus] Griffin.

The commissioners at the Treasury report, that there is due to Colonel Lewis Nicola, for the pay and subsistance of the invalid regiment under his command, for the month of August, the sum of four thousand and sixty seven dollars and 43/90.

That there is due to the Rev. Mr. Duffield, for his pay and subsistance as chaplain to Congress, from the first of January, to the 30th September last inclusive, the sum of seven hundred and twenty dollars.[1]

Ordered, That the said accounts be paid.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That on the application of Charles Pettit, Esq. assistant quarter master general, a warrant issue on Joseph Borden, Esq. commissioner of the continental loan office in the State of New Jersey, for seven hundred thousand dollars; and another warrant on Thomas Smith, Esq. commissioner of the continental loan office in the State of Pensylvania, for two million dollars, in favour of Major General Greene, for the use of his department; and for which he is to be accountable.

Resolved, That 5,000,180 dollars, being part of the sum remaining to complete 200,000,000, be emitted on the faith of

[1] This report, dated October 13, is in the *Papers of the Continental Congress*, No. 136, III, folio 725.

the United States, and under the direction of the Board of Treasury, in bills of the following denominations, viz.

27,028 of 80	dollars,	2,162,240	27,028 of 3	dollars,	81,084
27,028 of 70	do.	1,891,960	27,028 of 2	do.	54,056
27,028 of 20	do.	540,560	27,028 of 1	do.	27,028
27,028 of 5	do.	135,140			
27,028 of 4	do.	108,112			5,000,180

That the said bills, excepting the numbers, be of the same tenor and date as those emitted the 17th of September last, and be numbered from the last number in each respective denomination progressively.[1]

Ordered, That the first blank in the commission to the secretary of the minister plenipotentiary for negotiating with Spain be filled up with "the honourable William "Carmichael, esquire, a delegate in Congress from the "state of Maryland;" and the second blank with "nego- "tiate a treaty of amity and commerce, and of alliance "with his catholick majesty;" the blank after "witness," with "his excellency Samuel Huntington, esquire;" and the other blanks successively with "Philadelphia," "twenty-ninth," "September," "1779," "fourth."

That the first blank in the commission to the secretary to the minister plenipotentiary for negotiating a treaty of peace, &c. be filled up with "the honourable Francis "Dana, esquire, a delegate in Congress from the state of "Massachusetts Bay, and a member of the council of the "said state;" the second blank with "negotiate a treaty "of peace and of commerce with Great Britain;" and the other blanks as above.

That the first blank in the commission for the secretary to the minister at the court of Versailles be filled with "John Laurens, esquire, member of the house of repre-

[1] This report, dated October 14, is in the *Papers of the Continental Congress*, No. 13, III, folio 727.

"sentatives for the state of South Carolina, and lieuten-"ant colonel in the army of the United States;" the second blank with "at the court of Versailles," striking out "appointed to;" and the other blanks as above.[1]

Adjourned to 10 oClock to Morrow.

FRIDAY, OCTOBER 15, 1779

A letter, of 14th, from John Boreman, deputy pay master general in the western district, was read:

Ordered, That it be referred to the Board of Treasury.

A memorial from James Barr was read.

A letter, of this day, from Mr. [John] Jay, was read, soliciting leave of absence for Lieutenant Colonel Livingston to accompany him to Spain:[2]

A motion was made by Mr. [John] Mathews, seconded by Mr. [Cornelius] Harnett,

That Lieutenant Colonel H. Brockholst Livingston have leave of absence for twelve months.

On which the yeas and nays being required by Mr. [Henry] Marchant,

New Hampshire,			*Connecticut*,		
Mr. Peabody,	ay	div.	Mr. Sherman,	no	ay
Langdon,	no		Huntington,	ay	
Massachusetts Bay,			Root,	ay	
Mr. Gerry,	ay	ay	*New Jersey*,		
Holten,	ay		Mr. Fell,	ay	*
Partridge,	ay		*Pennsylvania*,		
Rhode Island,			Mr. Atlee,	no	ay
Mr. Marchant,	no	no	Muhlenberg,	ay	
			Wynkoop,	ay	

[1] These proceedings were entered only in the manuscript Secret Journal, Foreign Affairs.

[2] The letter of Boreman is in the *Papers of the Continental Congress*, No. 78, III, folio 363; the memorial of Barr, dated October 15, is in No. 41, I, folio 204; the letter of Jay, in No. 78, XIII, folio 117.

Maryland,			*North Carolina,*		
Mr. Plater,	ay		Mr. Harnett,	ay	
Forbes,	no	ay	Hewes,	ay	ay
Jenifer,	ay		Sharpe,	ay	
Virginia,			*South Carolina,*		
Mr. Griffin,	ay		Mr. Mathews,	ay	ay
Mercer,	no	ay			
Fitzhugh,	ay				

So it was resolved in the affirmative.

The committee on the quartermaster and commissary general's department laid before Congress a letter of 14, from Charles Pettit, assistant Q. M. G.; and a letter of 13th, from the supreme executive council of Pensylvania, which were read:

Ordered, That they be referred to the said committee, to confer with the supreme executive council of Pensylvania, and take order thereon.

A letter from P. Penet, was read,[1] accompanied with a print on American Independence.

The committee on ways and means brought in a report; Whereupon,

The Committee of Ways and Means beg leave further to report:

1. That foreign merchandize suitable for the consumption of the Inhabitants of the United States, be forthwith purchased on the public account, in Europe, to the amount of a sum not exceeding five million Dollars in specie.

2. That a commercial agent (or Board of Trade, consisting of three Commissioners) be appointed to transact the said business, and such other matters of commerce as Congress may direct, and that he (or each of the said Commissioners) be allowed for his service and expence, a Salary of Sterling p^{r} year, to commence at the time of his leaving his place of abode, to enter on the said office, and to continue three months after notice of his discharge from the same.

3. That as many of the Continental Ships, be employed, in transporting or convoying the said Merchandize to America, as the Marine Committee shall direct.

[1] This letter, dated the 10th, is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 251.

4. That a Committee be appointed to instruct the said agent or Board without delay respecting the articles to be purchased, and the States to which they are to be sent.

5. That the said agent (or Board of Trade) be directed to send with each cargo the invoices thereof, and on the first day of every month to lodge triplicate copies of his (or their) account, and of the Invoices shipt the preceeding month, with the Minister Plenipotentiary of the United States, at the Court of Versailles, to be by him transmitted to Congress.

6. That a Board of Sales consisting of three Commissioners be appointed to receive and dispose of such of the said merchandize as may arrive in the States of ; that three other commissioners be appointed to proceed in like manner with the merchandize afores'd which may arrive in the States of ; And that a like number of Commissioners be appointed with similar powers respecting the said merchandize, which may arrive in the states of .

7. That a Treasurer be appointed to each of the s^{d} Boards of Sales.

8. That every such Board, on receiving the Invoices of any Cargo of the said merchandize, shall transmit copies thereof to congress, and previous to the sale, shall publish three weeks successively, in all the news paper of the States wherein the s^{d} Board is authorized to receive such merchandize, advertisements, specifying the articles to be sold, and the time and place of the sale.

9. That all the said merchandize shall be sold at public auction by the commissioners of the respective Boards of Sales, but the money arising therefrom shall be paid to their Treasurers only.

10. That for the benefit of the purchasers, all articles shall be sold by retail or in the peice, and exposed to view several days before the sale.

11. That the sale shall close in each day at or before two oclock, and the goods purchased and paid for shall, if required, be delivered on the same day.

12. That when an article is sold as afores'd the purchaser shall forthwith pay to the respective Treasurer, 15 p^{r} cent on the amount of the sale or the same shall be void.

13. That each Treasurer shall keep a book, and enter therein every article sold by that respective Board as afores'd, in the following Form: Vizt,

A Register of the sales of merchandize, received by [ ] Commissioners of Sales of the United States the day of , 1780, of , Commissioner of the , agreeable to the order of Congress.

Dates of the Sales.	Names of the Purchasers	Their places of Abode	Articles sold	Marks and numbers.	Amount of Sales	Amount of the first Payment of each Purchaser	Ball[a] Due from each Purch'r.	When Paid

14. That the allowance which may be due on the sale of each article as aforesaid shall, previous to the delivery thereof, be paid to the respective Treasurer, within two days after the date of the sale, or the same shall be void and the earnest paid thereon be forfeited.

15. That each Treasurer shall on the first day of every month, transmit to Congress his account current, and an attested copy of the register of the preceeding month, and shall pay the money arising on the sales, to the orders of Congress only, after entries are made of the same, and certified at the Board of Treasury.

16. That the several Boards of Sales be authorized to require of any Continental officer who can furnish the same, suitable guards for the public offices and stores, which the said Boards and their Treasurers may respectively occupy.

17. That pr. cent. be allowed on the sales made by each Board as aforesaid, and equally divided amongst the Commissioners and Treasurer thereof, in full compensation of their respective services and expences in the premises.

18. That the said Agent, Commissioners and Treasurers, shall respectively take the following oath, or affirmation, and transmit to Congress a certificate thereof, signed by the Justice administring it, previous to their entering on the duties of their several offices.

"I, , do swear, or affirm, that I will faithfully discharge the trust reposed in me (as Agent, Commissioner of Trade or Sales, or Treasurer, as the case may be) to the best of my skill and knowledge, and carefully obey the instructions of Congress relative to the said office."

19. That the Committee of Commerce be authorized and directed to superintend the said officers, and to report to Congress the names of such as may not comply with these resolves, or by otherways misconducting may appear to the said Committee improper for the office.

That copies of the preceeding resolves be forthwith transmitted to the Ministers Plenipotentiary of the United States at the Courts of Versailles and Madrid. That the Ministers be directed to communicate to the said Courts respectively the great difficulty under which we labor thro' the depreciated state of our currency, the indispensible necessity of rectifying the same, and the advantage resulting from the plan proposed, and also to promote the salutary purposes thereof, by assisting the said agent (or Board of Trade) to discharge his trust and obtain for the United States, of the respective Courts afores[d]. a credit for the said Merchandize, and a convoy, if necessary.[1]

Resolved, That to morrow Congress be resolved into a committee of the whole to consider farther the subject of finance referred to them.

Resolved, That the foregoing report be referred to the said committee.

A report from the Board of War was read; Whereupon,

Resolved, That the resignation of Captain Thomas Buchanan of the first Pensylvania regiment, be accepted.[2]

Another report from the Board of War, was read, respecting Major Noirmont de la Neuville:

Ordered, That it be re-committed.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Jeremiah Wadsworth, Esq. commissary general of purchases, on the application of his agents, Chaloner and White, for eight million dollars, for the use of his department; for which sum the said commissary general is to be accountable.[3]

The committee on the memorial of James Barr brought in a report, which was read.

The Committee, to whom was referred the letter of the 29th September last, from the President of the Supreme Executive Council

[1] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 26, folio 79. It was rejected October 19.

[2] This report, dated October 13, is in the *Papers of the Continental Congress*, No. 147, II, folio 523.

[3] This report, dated October 14, is in the *Papers of the Continental Congress*, No. 136, III, folio 731.

of the State of Pennsylvania, have considered the same, and also the application of James Barr recommended in the said letter, and thereupon beg leave to report:

Whereas, by declaration of Congress of the 4th day of July, 1776, the United States of America became independent, and the several States have thereupon formed laws for their internal government, independent of the jurisdiction of Congress, whereby, altho' Congress retain the supreme jurisdiction upon the high seas, yet no power remains to them to alter, abrogate or annull the municipal laws of any particular State in such cases:

Therefore, *Resolved*, That the said James Barr be licensed by Congress for his intended voyage to Holland and back to America, and that his vessel and cargo be protected from seizure during the said voyage, and to and from the Port or Ports free to vessels belonging to the United States.

Provided, the said importations be not contrary to the laws of such State wherein such importation shall be made; and provided, also, that no person who shall have been proscribed by Act of any of the United States shall be brought into any of the said States.[1]

The committee appointed to prepare a letter of credence for the hon^ble^ John Jay, Esq^r^, minister plenipotentiary at the Court of Madrid, brought in a draught which being read and amended was agreed to as follows:

Letter to our great and beloved Friend Charles.

Great and Beloved Friend,

The United States of America in Congress assembled, deeply impressed with a high sense of the Magnanimity of your Majesty, and of your friendly disposition towards these States, and having an earnest desire to improve into a firm and lasting Alliance such friendly disposition have appointed , to reside at your Court in quality of Minister Plenipotentiary, that he may give you more particular assurances of the high regard we entertain for your Majesty. We beseech your Majesty to give entire credit to every thing he shall deliver on our part especially when

[1] This report, in the writing of James Mercer, is in the *Papers of the Continental Congress*, No. 19, I, folio 209. An earlier draft, in the writing of William Churchill Houston, with an amendment in that of Gouverneur Morris, is on folio 211.

he shall assure you of the Sincerity of our Friendship, and we pray God that he will keep your Majesty in his most holy protection.

Done at Philadelphia the day of October, 1779.

By the Congress of the United States of North America, Your Good Friends.

Attested, Signed A. B. *President.*

C. T. *Sec^ty.*[1]

The Committee appointed to prepare an Instruction to the Minister Plenipotentiary for negotiating a Treaty of amity and commerce with His Catholic Majesty, and for other purposes, report:

1^st^ The following Draught of an additional Instruction.

"SIR: You are to use your utmost endeavors for obtaining permission for the Citizens and Inhabitants of these States to lade and take on board their vessels Salt at the Island of Salt Tortuga, and also to cut, load and bring away logwood, and Mahogany in and from the Bay of Honduras and its Rivers, and to build on the shores store houses and magazines for the Wood Cutters and their families, in the extent ceded to his Britannic Majesty by the 17^th^ Article of the Definitive Treaty concluded at Paris, the 10^th^ day of February, 1763, or in as great an extent as can be obtained."

2^ndly^ On the Questions proposed by the President from M^r^ [John] Jay, your Committee report:

That a letter be written to the Minister Plenipotentiary of these States at the Court of France desiring him to take the most effectual means for supplying the Ministers appointed to treat with his Catholic Majesty and with his Britannic Majesty and their Secretaries with two thousand Louis d'ores to be distributed in proportion

[1] This letter, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 25, I, folio 333. It is printed in the *Secret Journals, Foreign*, Vol. II, p, 278.

to their respective salaries, and giving the strongest assurances to the said Minister that Congress will immediately take measures for replacing the said sum, as well as for establishing a fund in Europe for the future support of all the Embassies from these States.

The Committee are of opinion, that it is not immediately necessary to make provision for Secret Services, but they beg leave to recommend this article to the further consideration of Congress.

Postponed

The circumstance of distressed Americans in the Department of Spain, being altogether contingent, and there being at present no funds of these States established in Europe, the Committee cannot recommend any certain provision to be made for this purpose; But

Passed

Resolved, That should the Minister appointed to treat with his Catholic Majesty advance or procure advances of money to be made upon necessary occasions, for the Relief of distressed Americans he shall be reimbursed and Indemnified for such advances.

3rdly On Lt. Col. Derick's letter, and the papers communicated by Governor Trumbull, your Committee report,

That it appears a loan may be obtained in Holland and they recommend to Congress to authorize and instruct a proper person to negotiate that business on behalf of these States.[1]

Passed

The committee having reported, That it appears to them that a loan may be obtained in Holland—

Resolved, That a proper person be authorized and instructed to negotiate that business on behalf of the United States.

Resolved, That Monday next be assigned for nominating, and Thursday next for electing, a proper person to negotiate a loan in Holland.

[1] This report, in the writing of James Lovell, is in the *Papers of the Continental Congress*, No. 25, II, folio 373. It is printed in part in the *Secret Journals, Foreign*, Vol. II, p. 279.

Ordered, That the committee who brought in the foregoing report, prepare a letter to the minister plenipotentiary of these United States at the court of France.

Resolved, That the remainder of the report be postponed.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, OCTOBER 16, 1779

A memorial from Lieutenants Stediford and Bicker, was read:

Ordered, That it be referred to the Commander in Chief.

Resolved, That three members be added to the committee on the report from the commissioners on General Arnold's accounts:

The members chosen, Mr. [James] Forbes, Mr. [William] Sharpe, and Mr. [William] Fitzhugh.

Congress was resolved into a committee of the whole, and after some time, the President resumed the chair and Mr. [Daniel of St. Thomas] Jenifer reported, that the committee have had under consideration the subject and papers referred to them, but not having come to a conclusion, desire leave to sit again.

Resolved, That on Monday next Congress be resolved into a committee of the whole to consider farther the subjects referred to them.

The Committee on the Treasury brought in a report; Whereupon,

TREASURY OFFICE, *October 16th, 1779.*

The Committee on the Treasury, having considered a letter, of the 2nd instant, from Brigadier General Jas. Clinton, Beg leave to report:

That the Revd Mr S. Kirkland, at the beginning of the present contest, was a missionary amongst the Six Nations of Indians, appointed by the Society of Scotland, for the propagation of the

Gospel, with an annual salary of one hundred and thirty pounds sterling; That Congress sensible of the Zeal and good services of M^r^ Kirkland did for one year advance him the same sum, For the second year three hundred dollars, and for the third and fourth years four hundred dollars exclusive of three hundred advanced him as a gratuity for extra services; That lately, upon the Western Expedition, while with General Sullivan, by his particular desire, he had several small articles advanced to him by order of General Sullivan and eight dollars a day; That the services of M^r^ Kirkland amongst the Indian Nations since the commencement of this war, his attendance on treaties with them and the various long and tedious journies he has made at the risk of his health and life (during the greatest part of which time he hath supported himself and his own horse) in the opinion of this Board justly entitle him to the consideration of Congress, whereupon the Committee further beg leave to report:

Resolved, That a warrant issue on the treasurer, in favour of the Rev. Mr. S. Kirkland, for six thousand dollars, and that the clothier general be instructed to provide him with a suit of cloaths, a hatt, linnen, sufficient for four shirts, two pair of stockings, and a pair of shoes, to be in full for his past services and expences.

That the Reverend Mr. S. Kirkland be appointed chaplain to the garrison of Fort Schuyler, and the other posts established in that quarter, with the pay and subsistence of a brigade chaplain, continuing at the same time to pay as great attention to the Oneidas, and other Indians contiguous to them, as may be consistent with the abovementioned appointment.[1]

The Committee appointed to prepare a letter to the Minister Plenipotentiary of the United States at the Court of France, brought in a draught, which was agreed to as follows:

[1] The last two paragraphs are in the writing of George Bond. The report, dated October 16, is in the *Papers of the Continental Congress*, No. 136, III, folio 733. It also contained the paragraph on Marsteller, printed under October 21, p. 1194, *post*.

In Congress, Philadelphia,
16th October, 1779.

Sir:

Congress have appointed the Hon^ble John Jay, Esq. Minister Plenipotentiary, for negotiating a treaty of amity and commerce and of alliance between his Catholic Majesty and the United States of America. And the Hon'ble John Adams, Esq. Minister Plenipotentiary to treat with his Britannic Majesty.

William Carmichael, Esq. is appointed Secretary to the first, and Francis Dana Esq., Secretary to the last abovementioned embassy.

M^r Jay and M^r Carmichael will embark on board the *Confederacy*, Continental ship of war, now in Delaware ready to sail for France.

M^r Adams and M^r Dana will probably take their passages on board *le Sensible*, one of his Most Christian Majesty's Frigates, in the Harbour of Boston.

The salaries annexed to these appointments respectively are £2500 Stg. per annum to the Minister and £1000 Stg. to the Secretaries; and in order to enable these gentlemen to enter without embarrassment upon the duties of their several functions, I am authorized by an Act of Congress of the Inst., a certified copy of which will accompany this, to request you, Sir, to take the most effectual means for supplying them with two thousand Louis d'or in distributions proportioned to their respective salaries, and to assure you on the faith of Congress, that speedy and proper measures will be adopted, both for repaying that sum and for establishing a fund for the future support of all the embassies of these United States in Europe.

You will likewise find enclosed a certified copy of an act of Congress of the 4th instant, by which you will be informed that your salary is also to be two thousand five hundred pounds sterling per annum; and that John Laurens, Esq. a member of the house of representatives for the State of South Carolina and lieutenant colonel in the army of the United States is appointed by Congress to be secretary to the Minister Plenipotentiary at the Court of France.

I have the honor to be &c. &c.[1]

Adjourned to 10 oClock on Monday.

[1] This report, in the writing of Henry Laurens, is in the *Papers of the Continental Congress*, No. 25, I, folio 163. It was printed in the *Secret Journals, Foreign*, Vol. II, p. 280.

MONDAY, OCTOBER 18, 1779

A letter, of 10th, from Monsr. L'Eclize; and one, of the 4th, from James Avery, were read:

Ordered, That they be referred to the Board of War.

A letter, of 10, from Jeremiah Wadsworth, commissary general of purchases, was read:

Ordered, That it be referred to the committee on the quarter master and commissary general's departments, and that they report thereon.

A petition from Isaac Tyler was read:[1]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Roger] Sherman, Mr. [John] Mathews, and Mr. [William] Paca.

The Board of War, to whom their report respecting Major la Neuville was re-committed, brought in another report; Whereupon,

Resolved, That Major de la Neuville, who has served two campaigns in the American army, and has obtained very honorable testimonials of his merit, valour and services in the several capacities in which he has been employed, be appointed a lieutenant colonel by brevet in the army of the United States:

That Lieutenant Colonel Noirmont de la Neuville have leave to return to France.[2]

The Board of War, to whom was referred the letter of 25 September last, from the governor of Virginia, brought in a report; Whereupon,

[1] The letter of L'Eglize is in the *Papers of the Continental Congress*, No. 78, VIII, folio 335; that of Avery, in No. 78, I, folio 321; that of Wadsworth, in No. 78, XXIV, folio 97; that of Tyler, in No. 42, VII, folio 356.

[2] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 527. A report of the Board, dated November 24, 1778 (present, Sherman, Lee, and Peters), is in the *Papers of the Continental Congress*, No. 78, XVII, folio 91.

At a Board of War, *October 16, 1779.*

Present, Col. Pickering, Col. Atlee, Mr Root and Mr. Peters

That the reason for stationing the Troops of Convention in Virginia was that they might draw supplies which could not be useful from their distance to our army. That the difficulties attending the procuring these supplies will be rendered nearly insurmountable, if they are too much interfered with by demands for other troops than those of our army and for the fleet of our ally. That if either party is put to inconvenience, it should be our enemies, and tho' we would not wish to imitate them in all things, we look upon it but a small retaliation, if any, to oblige their prisoners to eat wholesome Indian Bread, instead of that made from wheat flour; and as Indian corn is plenty in Virginia, tho' their crops of winter grain have in some degree failed, we conceive that bread may be delivered to the convention troops made of Indian corn, and if they do not choose to eat it, and the enemy wish to send them flour, they may be at full liberty to do it.

The board beg leave to report.

Resolved, That the governor of Virginia be informed, that in the opinion of Congress the deficiency of flour for the convention troops, which cannot be obtained from wheat in Virginia, ought to be supplied with meal made of Indian corn, which is equally wholesome:

That his excellency the governor of Virginia be requested to inform the commanding officer of those troops, that if the commander in chief of the British forces will order supplies of flour to be sent to Virginia from parts in possession of the British army, passports will be ordered for the purpose when applied for.[1]

Resolved, That the Board of War be directed to give the necessary orders to the commissary general of purchases and the commissary general of issues, for supplying the convention troops with rations of Indian meal, in lieu of flour, agreeably to the foregoing resolutions.

[1] This report, to this point, is in the *Papers of the Continental Congress*, No. 147, II, folio 531.

On motion of Mr. [Henry] Marchant, seconded by Mr. [William] Paca,

Resolved, That the resolution of Congress passed the 2d of July last, so far as it directs or provides, "that each endorsement of the certificates issued by the commissioners of the continental loan offices for exchanging bills of the emissions of May 20, 1777, and April 11, 1778, be witnessed by a magistrate," be, and the same is hereby repealed.

Resolved, That the report of the committee on departments be referred to the committee of the whole.

Congress was then resolved into a committee of the whole, and after some time, the President resumed the chair, and Mr. [Daniel of St. Thomas] Jenifer reported, that the committee have had under their farther consideration the subject and papers referred to them, but not having come to a conclusion desire leave to sit again.

Resolved, That to morrow Congress be resolved into a committee of the whole to consider further the reports on finance and the other papers referred to them.

Congress proceeded to the nomination of a proper person to negotiate a loan in Holland; and Mr. John Adams was put in nomination by G[ouverneur] Morris.

Mr. Henry Laurens, by Mr. [John] Mathews.

Mr. Woodbury Langdon, by Mr. [William] Sharpe.

On motion of Mr. [Gouverneur] Morris, seconded by Mr. [John] Mathews,

Resolved, That a committee of three be appointed to prepare instructions to the person who may be empowered to negotiate a foreign loan.

The members chosen—Mr. [Gouverneur] Morris, Mr. [John] Mathews, and Mr. [Elbridge] Gerry.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, OCTOBER 19, 1779

On motion of Mr. G[ouverneur] Morris, seconded by Mr. [Samuel] Holten,

Resolved, That Friday next be assigned for taking into consideration the report of the Medical Committee on the medical staff.

On motion of Mr. [John] Fell, seconded by Mr. [Roger] Sherman,

Resolved, That the Board of War be directed to make inquiry into the number and quality of rations drawn and delivered in the city of Philadelphia, within three months past, from the quarter master, commissaries of purchases and issues, and barrack master, the names of the persons to whom such rations have been delivered, their office, rank or occupations, and the particular departments they belong to, and make report to Congress.

A motion being made by Mr. [Roger] Sherman, seconded by Mr. [Gouverneur] Morris, relative to the granting subsistance money to lieutenants and ensigns, who act as pay masters, quarter masters or adjutants:

Ordered, That it be referred to the Board of War.

A letter of 16th, from Major Lee, was read.[1]

Congress was resolved into a committee of the whole, and after some time the President resumed the chair, and Mr. [Daniel of St. Thomas] Jenifer reported, that the committee have had under consideration the report of the committee of ways and means, which was referred to them on the 15, and have disagreed to the same; that they have also had under consideration the report of the committee on departments, but have come to no resolution thereon.

Colonel Malcolm was put in nomination as a commissioner for the Board of War by Mr. [Henry] Laurens,

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XIV, folio 289.

Resolved, That on Tuesday next, the 26th instant, Congress proceed to the election of a commissioner for the Board of War.

On motion of Mr. [Jesse] Root, seconded by Mr. [Gouverneur] Morris,

Resolved, That a committee of three be appointed to take into consideration what allowance ought to be made to the officers in the different departments of the army, to whom the provision made by the resolutions of Congress of the 18th of August last doth not extend:

The members chosen, Mr. [Jesse] Root, Mr. [Gouverneur] Morris, and Mr. [Samuel] Atlee.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, OCTOBER 20, 1779

A letter, of 8, from James Avery was read, enclosing a letter, of September 10, from Colonel J. Allan, at Machias, to the council of Massachusetts bay:

Ordered, That the same be referred to the Board of War.

The Marine Committee laid before Congress two letters received from the navy board in the eastern district, which were read: [1]

Ordered, That they be referred to a committee of three:

The members chosen, Mr. [John] Mathews, Mr. [James] Searle, and Mr. [James] Forbes.

The Marine Committee also laid before Congress a letter of 13, from Jacob Rush, which was read, notifying "that an appeal, in which the United States are a party, from the court of admiralty in the State of Massachusetts bay, relative to the ship *Viper*, is now depending before the commis-

[1] The letter of Avery is in the *Papers of the Continental Congress*, No. 65, II, folio 3; that of Allan is on folio 5; the Navy Board letters, dated September 29 and October 6, are in No. 37, folios 145 and 147.

sioners of appeal; that the Marine Committee may, if they think proper, retain counsel on the part of the Continent:"

Ordered, That it be referred to the Marine Committee to take order thereon.

A letter, of 17th, from Major General Lord Stirling, was read.[1]

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. J[ames] Searle, one of the delegates for the State of Pensylvania, on his application, for three thousand dollars; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. R[oger] Sherman, one of the delegates for the State of Connecticut, on his application, for two thousand dollars; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. H[enry] Wynkoop, one of the delegates for the State of Pensylvania, on his application, for two thousand dollars; for which the said State is to be accountable.

That the following warrants issue in favour of Major General Greene, quarter master general, on the application of Charles Pettit, Esq. assistant quarter master general, for seven hundred thousand dollars, for the use of the department; and for which the said quarter master general is to be accountable, viz; One on John Lawrence, Esq. commissioner of the continental loan office for the State of Connecticut, for five hundred thousand dollars: And another on Joseph Clarke, Esq. commissioner of the continental loan office for the State of Rhode Island, for two hundred thousand dollars.

That a warrant issue on the treasurer, in favour of David C. Claypole, printer to Congress, for one thousand dollars,

[1] This letter is in the *Papers of the Continental Congress*, No. 162, folio 567.

for the purpose of binding the journals of Congress; and for which he is to be accountable.

The Board, having according to order, considered the memorial of Captain Baron De Frey of General Count Pulaski's legion, of the 4th instant, beg leave to report:

That the Pay Master General be directed to advance eight months pay and subsistence to Captain Baron de Frey of General Count Puliaski's Legion, and transmit an account thereof to the Pay Master of said Legion.

That a warrant issue on the treasurer, in favour of William Kinnan, copper plate printer to the United States, for two thousand dollars; for which he is to be accountable.

Ordered, That so much of the report of the Board of Treasury as relates to Baron de Frey, be referred to the Board of War.[1]

The committee, to whom was referred so much of the resolutions respecting the establishment of the Board of Treasury, as relates to the annual election of the officers, and who were also to consider proper salaries for the said officers, brought in a report, which was read:

Ordered, That the same be taken into consideration on Saturday next.

The committee, to whom was referred the letter, of September 6th, from the Board of War, brought in a report, which was read:

The Committee, to whom was referred the letter of the 6th inst. from the Board of War, another letter of the 28th August, from John Page, Lt. Govr of the State of Virginia and a report of the Board of War of Virginia,

Report, that in their opinion the State of Virginia had no right to detain the Arms imported on account and for the use of the United States, as thereby the safety and welfare of these States may be essentially endangered. Such conduct we conceive to be also preg-

[1] This report, dated October 19, is in the *Papers of the Continental Congress*, No. 136, III, folio 737. The paragraph on Kinnan formed a separate report, dated October 20, and is on folio 741.

nant with danger, because any State in the union undertaking to be its own Carver must consequently lay a foundation for anarchy and confusion, And shows an unreasonable want of confidence in Congress as must greatly tend to lessen them in the opinion of the other States and of the whole world, and render their determinations of little effect. Your committee conceive the proper mode for the State of Virginia to have adopted on this occasion ought to have been: to apply to Congress for the Arms they wanted for the use of that State, And whether there had or had not been Arms due from the United States to the State of Virginia, yet Congress, from the disposition they have ever manifested to render every assistance to the several States in the Union, would have been willing on the present occasion to gratify the State of Virginia. Provided such request could have been complied with, without manifest injury to the U. S. Therefore *Resolved*, That the 5000 stand of Arms detained by the Board of War of the State of Virginia by order and direction of the Lt. Govr. and council of the said State be permitted to remain in said State and that the State of Virginia be charged therewith.

Resolved, That the Governor and Council of the State of Virginia be informed that Congress find themselves constrained on this first instance of such a proceeding, to signify their disapprobation of the same, least it should be drawn into a precedent that might hereafter operate to the manifest injury of the United States.[1]

Ordered, That it be re-committed.

~~An appeal from the judgment of a court of admiralty for the State of Connecticut, on the libel Elisha Elderkin vs. a sloop, Pierpoint Edwards claimant, was lodged with the secretary.~~

The committee appointed to prepare a recommendation to the several states, for setting apart the second Thursday in December next, as a day of general thanksgiving, brought in a draught, which was agreed to as follows:

Whereas it becomes us humbly to approach the throne of Almighty God, with gratitude and praise for the wonders which his goodness has wrought in conducting our fore-fathers to this western world; for his protection to them and to their posterity amid difficulties and dangers;

[1] This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 27, folio 91.

for raising us, their children, from deep distress to be numbered among the nations of the earth; and for arming the hands of just and mighty princes in our deliverance; and especially for that he hath been pleased to grant us the enjoyment of health, and so to order the revolving seasons, that the earth hath produced her increase in abundance, blessing the labors of the husbandmen, and spreading plenty through the land; that he hath prospered our arms and those of our ally; been a shield to our troops in the hour of danger, pointed their swords to victory and led them in triumph over the bulwarks of the foe; that he hath gone with those who went out into the wilderness against the savage tribes; that he hath stayed the hand of the spoiler, and turned back his meditated destruction; that he hath prospered our commerce, and given success to those who sought the enemy on the face of the deep; and above all, that he hath diffused the glorious light of the gospel, whereby, through the merits of our gracious Redeemer, we may become the heirs of his eternal glory: therefore,

Resolved, That it be recommended to the several states, to appoint Thursday, the 9th of December next, to be a day of public and solemn thanksgiving to Almighty God for his mercies, and of prayer for the continuance of his favor and protection to these United States; to beseech him that he would be graciously pleased to influence our public councils, and bless them with wisdom from on high, with unanimity, firmness, and success; that he would go forth with our hosts and crown our arms with victory; that he would grant to his church the plentiful effusions of divine grace, and pour out his holy spirit on all ministers of the gospel; that he would bless and prosper the means of education, and spread the light of christian knowledge through the remotest corners of the earth; that he would smile upon the labours of his people and cause the earth to bring forth her fruits in abundance; that we may with gratitude and gladness enjoy them; that he would take into his holy protection our illustrious ally, give him victory over his enemies, and render him signally great, as the father of his people and the protector of the rights of mankind; that he would graciously be pleased to turn the hearts of our enemies, and to dispense the blessings of peace to contending nations; that he would in mercy look down upon us, pardon our sins and receive us into his favor, and finally, that he would establish the independence of these United States upon the basis of religion and virtue, and support and protect them in the enjoyment of peace, liberty and safety. ~~as long as the sun and moon shall endure, until time shall be no more.~~

Done in Congress, ‖ the 20th day of October, one thousand seven hundred and seventy-nine, and in the 4th year of the independence of the United States of America.

SAMUEL HUNTINGTON, *President.*

Attest,

CHARLES THOMSON, *Secretary.*‖[1]

Adjourned to 10 oClock to Morrow.

THURSDAY, OCTOBER 21, 1779

Mr. [Nathaniel] Scudder, a delegate from New Jersey, attended and took his seat in Congress.

A letter, of 17, from Major Lee, was read, enclosing a roll of sundry recruits:

Ordered, That it be referred to the Board of War.

A petition of Oliver Bowen, was read:

Ordered, That it be referred to the Marine Committee.

The proceedings of a court martial on the trial of Thomas Thompson, captain of the *Raleigh* frigate, was laid before Congress:

Ordered, That the same be taken into consideration on Saturday, the 30th instant, and that in the meantime it lie on the table for the perusal of the members.

Ordered, That the report of the Marine Committee on the trial of Captain Manly be taken into consideration on the same day.

A memorial of James Anderson was read.[2]

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That the petition of Major General Arnold, which on the 27 April last, was referred to the Board of Treasury,

[1] This proclamation was entered in the Journals by George Bond. In the writing of Jesse Root, it is in the *Papers of the Continental Congress*, No. 24, folio 447.

[2] This memorial, dated October 17, is in the *Papers of the Continental Congress*, No. 41, I, folio 43. It was ordered to lie on the table.

with the papers accompanying it, be referred to the committee, to whom was referred the report of the commissioners on his accounts.

Ordered, That a warrant issue on the treasurer, in favour of the Committee of Commerce, upon their application, for forty dollars in specie, for payment of a bill drawn by Don Juan de Mirailles, payable at the Havannah, in favour of Joseph Colbert, an express sent from New Orleans to the said Committee.[1]

Resolved, That Thomas Smith, Esq. commissioner of the continental loan office for the State of Pensylvania, be directed to renew for Philip Marsteller, six defaced certificates, of the following denominations, viz.

1 of	200	dollars,	dated 9 April, 1779,	to Adam Heilman.
1 of	200	do	do	to Henry Humburger.
1 of	1000	do	do	to Casper Stoever.
1 of	600	do	do	to Jacob Neff.
1 of	600	do	do	to Peter Witmer.
1 of	300	do	do	to William Young.[2]

The committee on the memorial of Gideon Olmstead, and who were directed to confer thereon with a committee of the general assembly of the State of Pensylvania, brought in a report, which was read:

The Committee appointed on the Memorial of Gideon Olmstead and to confer with a Committee of the General Assembly of Pennsylvania respecting the carrying into execution the decree of the Court of Appeals in the case of the Sloop *Active*, beg Leave to report:

That they have conferred with the Committee of the Assembly of this State on the business referred to them. The Committee of Pennsylvania opposed to the decree in the case above said, an Act of their Assembly passed September 9th, 1778, by which, after constituting Courts for the trial of Captures on the high Seas and directing such trials to be by Jury: it is Enacted that the finding of the Jury shall establish the facts without re-examination or appeal.

[1] This report, dated October 20, is in the *Papers of the Continental Congress*, No. 136, III, folio 743.

[2] See note under October 16, p. 1182, *ante*.

And in the 7th Section of said Law it is further enacted, that in all causes of Captures, an appeal from the decree of the Judge of Admiralty of this State shall be allowed to the Continental Congress, or such person or persons as they may from time to time appoint for hearing and trying appeals, &c.

And that in the case of the Sloop *Active* the Jury found the following verdict, viz^{t}: One fourth part of the neat proceeds of the Sloop *Active* and her Cargo to the 1st Claimants; three fourth parts of the neat proceeds of the said Sloop and her Cargo to the libellent, and the second Claimant, as per agreement between them.

Your Committee further report,

That Congress by the 4th Section of their resolves of the 25th of November, A. D. 1775, recommended to the several legislatures in the United Colonies as soon as possible to erect Courts of Justice or give jurisdiction to the Courts in being, for the purpose of determining concerning Captures to be made &c., and to provide that all trials in such case, be had by a Jury under such qualifications, as to the respective Legislatures shall seem expedient.

And in the 6th Section Congress resolved, that in all cases an appeal shall be allowed to Congress or such person or persons as they shall appoint for the trial of Appeals, &c.

That an appeal was regularly granted by the Court of Admiralty in the State of Pennsylvania to said Gideon Olmstead, &c., Claimants from the verdict and decree or sentence in this cause to Congress, &c.

Your Committee are of opinion that nothing in said Act of Assembly does or could debar the appelants of a right of appeal to Congress in said cause. And that said cause, both by the resolutions of Congress and said Act of Assembly, came properly before the Court of appeals and that they had competent jurisdiction to hear, try and determine the same agreeable to the resolutions of Congress of 6th day of March last, and that the same ought to be carried into execution.

Your Committee find that Gideon Olmstead, &c, appellants have received the sum of £12,750 in part of the Money raised from the sale of said Sloop and Cargo; that the amount of the neat proceeds of said Sloop and Cargo is £51,000 Pennsylvania currency.

Whereupon your Committee submit the following resolutions to the consideration of Congress:

That the remainder of the neat proceeds of the Sloop *Active* and Cargo, being about the sum of thirty eight thousand two hundred and fifty Pounds Pennsylvania Currency be paid to Gideon Olmstead and

others, appelants in said cause, out of the Treasury of these United States in full satisfaction of the judgment of the Court of appeals in their favor in the case of the Sloop *Active*, and that the State of Pennsylvania be charged with the same.

That the State of Pennsylvania be, and they are hereby authorized, to avail themselves of the judgment of the Court of appeals in the said cause to reimburse the sums charged to them as above.[1]

Ordered, That the same be taken into consideration on Monday, the 1st of November next.

Resolved, That three members be added to the committee on the letter of 21 September, from the council of Massachusetts bay.

The members chosen, Mr. [James] Forbes, Mr. [Nathaniel] Scudder, and Mr. [John] Mathews.

Resolved, That a member be added to the committee, to whom was referred the report of the Board of Treasury, of 24 August last, respecting Baron Steuben, in the room of Mr. [John] Armstrong, who is absent.

The member chosen, Mr. [Samuel] Atlee.

Resolved, That two members be added to the committee on the representation from the legislative council and general assembly of the State of New Jersey, in the room of Mr. [John] Witherspoon and Mr. [Nicholas] Van Dyke, who are absent:

The members chosen, Mr. [Nathaniel] Scudder and Mr. [John] Dickinson.

The committee appointed to prepare instructions to the person who may be empowered to negotiate a foreign loan brought in a report:

Ordered, That it be taken into consideration on Monday next.

Your Committee appointed to prepare instructions to the person who may be empowered to negotiate a foreign loan, Report:

[1] This report, in the writing of Jesse Root, is in the *Papers of the Continental Congress*, No. 19, IV, folio 495.

1st That he be empowered to employ on the best terms in his power some proper mercantile or banking house in the City of Amsterdam, or elsewhere in the United Provinces of the Low Countries, to assist in the procuring of Loans, to receive and pay the money borrowed, to keep the accounts and pay the Interest.

Agreed

2ly That he be also empowered to covenant with the said House, that they shall have the preference of supplying on the usual mercantile terms such articles as may be from time to time ordered by the United States from Holland, as the said House may think proper.

Rejected

3ly That he be also empowered to pledge the faith of the United States in the most authentic manner, by executing such securities or obligations for the payment of the money as he may think proper, and also that the Interest shall not be reduced nor the principal paid during the term for which the same shall have been borrowed without the consent of the lenders or their Representatives.

Agreed

4ly That he be also empowered to agree to and to execute such form of the said surety or obligation for the money as he may think proper, And

Rejected

5ly That he be also empowered to receive payment of the monies borrowed at two or three different equal instalments so as the whole together do not exceed six months, and to allow the Interest from the first payment.

Rejected

6ly That he be directed to borrow a sum not exceeding 10,000,000 of Dollars, at the lowest rate possible, not exceeding 6 per cent per annum.

Postponed on ay and no

And if the money can be obtained for 7 per cent., then to borrow a sum not exceeding ; and if the same can be obtained for 6 per cent, then to borrow a sum not exceeding ; and if it can be obtained for 5 per cent., then to borrow a sum not exceeding ; and if it can be obtained for 4 per cent., then to borrow a sum not exceeding

Rejected

7ly That he endeavor as much as possible to procure money from those who have been accustomed to lend to or are Creditors of Great Britain.

Rejected

8ly That he be directed to give notice to Congress of any Loan made by him or under his authority, and to direct the House by him employed to accept and pay the bills of exchange which may be drawn under the authority of Congress.

Agreed

9ly That agents be appointed by Congress, one in Boston, one in Philadelphia, one in Baltimore, and one in Charlestown, to draw bills of exchange in their own names for the money so borrowed, under the direction of the Treasury board and be allowed such reward as the said Board may think proper.

Postponed

All which is submitted.

That a Commissioner be appointed and furnished with Instructions for entering into a Treaty of Amity and Commerce with the United Provinces of the Low Country.[1]

Pasd

Congress proceeded to the election of a person to negotiate a loan in Holland; and the ballots being taken,

The Honorable Henry Laurens, Esquire, was elected.

Adjourned to 10 oClock to Morrow.

FRIDAY, OCTOBER 22, 1779

A letter, of 20th, from Charles Petit, was read, reciting his former applications to Congress, on account of a tax to which, by an act of the legislature of New Jersey, he is subjected, as assistant quarter master general, and the proceedings of Congress thereon; and informing that he is called on for one thousand pounds tax, as assistant quarter master general, and requesting the attention of Congress to his letter, of 7 July, and to the report of the committee thereon:

A motion was made by Mr. [Henry] Marchant, seconded by Mr. [William] Paca,

[1] This report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 25, I, folio 169. The last paragraph is in the writing of Samuel Huntington. It is endorsed: "Read October 1 [21], 1779. To be considered on Monday next, the 25th instant." See p. 1210, *post*.

That the letter be referred to a committee:

On which the yeas and nays being required by Mr. [John] Fell,

New Hampshire,			*Delaware,*		
Mr. Peabody,	no	div.	Mr. Dickinson,	no	no
Langdon,	ay		*Maryland,*		
Massachusetts Bay,			Mr. Plater,	no	
Mr. Lovell,	no		Paca,	ay	no
Holten,	no	no	Forbes,	no	
Partridge,	no		*Virginia,*		
Rhode Island,			Mr. Griffin,	ay	
Mr. Marchant,	ay	ay	Mercer,	no	ay
Connecticut,			Fitzhugh,	ay	
Mr. Sherman,	no		*North Carolina,*		
Huntington,	ay	no	Mr. Harnett,	no	
Root,	no		Hewes,	no	no
New York,			Sharpe,	ay	
Mr. Lewis,	ay	*	*South Carolina,*		
New Jersey,			Mr. Laurens	ay	
Mr. Scudder,	no		Mathews,	ay	ay
Fell,	no	no			
Pennsylvania,					
Mr. Atlee,	no				
Searle,	no	no			
Muhlenberg,	no				

So it passed in the negative.

A letter, of 20, from W. Hodge, was read, enclosing a representation to the Marine Committee, relative to the cutter *Revenge* &c.; and a letter, of 21 September, from S. Deane on the same subject:

Ordered, That the same be referred to the Committee of Commerce.

A petition of Ralph Smith, Jonathan Patten and Joseph Ruggles, of Boston, was read:

Ordered, That it be referred to the committee appointed to superintend the departments of the quarter master and commissary general.

Mr. [John] Dickinson, a delegate for the State of Delaware, laid before Congress an extract of a letter from the president of that State, desiring him to apply for an advance of thirty six thousand dollars for the recruiting service:[1]

Ordered, That it be referred to the Board of Treasury.

The committee, to whom was referred the letter, of 10th, from J. Wadsworth, commissary general, brought in a report, which was read:

The Committee on the Commissary and Quartermaster Generals' Department, to whom was referred the letter of the 10th instant, from Colonel Jeremiah Wadsworth, Commissary General, beg leave to report;

That they, having considered the repeated request of Colonel Jeremiah Wadsworth, Commissary General of Purchases, for liberty to resign his office, and his desire to quit the Service at the close of the present year, are of Opinion, that, notwithstanding his continuance in office is greatly to be desired, he ought to have permission to resign, and that a successor be without loss of time appointed; and thereupon, submit the following resolutions to the consideration of Congress:

Resolved, That Colonel Jeremiah Wadsworth, Commissary General of Purchases have leave to resign his office and to retire from the service on the first of January next, agreeable to his request:

That Congress will immediately proceed to nominate and appoint a person to succeed him in said office:

That those parts of said letter which respects the furnishing of money to enable him to pay for the necessary supplies purchased for the army, be referred to the Board of Treasury.[2]

Ordered, That it be taken into consideration on Tuesday next.

Congress took into consideration the report of the Medical Committee on the medical staff, and some time being spent thereon,

[1] The petition of Smith and others, dated October 4, is in the *Papers of the Continental Congress,* No. 42, VII, folio 77; the letter from Delaware, in No. 70, folio 713.

[2] This report, in the writing of Jesse Root, is in the *Papers of the Continental Congress,* No. 19, VI, folio 125. See under November 29, p. 1326, *post.*

Ordered, That the farther consideration thereof be postponed.

A letter, of 17, from General Washington was read.

A letter, of 17, from General Schuyler was read, enclosing sundry papers relative to Indian affairs:

Ordered, That the same be referred to a committee of three:

The members chosen, Mr. [James] Forbes, Mr. [William] Sharpe, and Mr. [Gouverneur] Morris.

A letter, of 21, from the president and supreme executive council of Pensylvania, was read:

Ordered, That it be referred to the Marine Committee; that they take order thereon and report to Congress.[1]

The Board of War having represented that Mons. Noirmont de la Neuville has expressed his uneasiness lest his not being gratified with the rank and command of a lieutenant colonel should create disagreeable comparisons between the supposed ideas entertained by Congress of his merit and that of those enjoying such command:

Resolved, That Congress entertain a very favorable opinion of the personal merit and military character of Mons. Noirmont, which he has evidenced on every occasion presenting itself to him during his service in America; but a reformation of the army having lately taken place, which renders it inconsistent with the arrangement as now settled to grant commands in the line to gentlemen under Mr. Noirmont's circumstances, has prevented his having a commission of the same nature with some others, though his merit and services would otherwise entitle him thereto.[2]

[1] Schuyler's letter is in the *Papers of the Continental Congress*, No. 153, III, folio 462; the letter from the Pennsylvania Council is printed in the *Pennsylvania Archives*, VII, 761.

[2] This report, dated October 22, is in the *Papers of the Continental Congress*, No. 147, II, folio 535.

The commissioners report,

That there is due to Mr. J[ames] Lovell, for the amount of cash advanced by him for contingent expences of the Committee of Foreign Affairs, nine hundred and four dollars and 60/90.

That there is due to Andrew Doz, John Shee and Hugh Montgomerie, commissioners, for destroying the bills of credit taken out of circulation, for counting and destroying eleven millions six hundred and four thousand six hundred and seventy four dollars, at 5/90 of a dollar pr c^{t} the sum of six thousand four hundred and forty seven dollars and 3/90.[1]

Ordered, That the said accounts be paid.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, OCTOBER 23, 1779

A petition of Pierpoint Edwards and others was read:

Ordered, That it be referred to the Committee on Appeals.

Ordered, That Mr. [Daniel of St. Thomas] Jenifer, and Mr. [William] Paca have leave of absence.

Ordered, That two members be added to the Committee on the Post Office, in the room of Mr. [Henry] Laurens and Mr. [William] Paca, who have leave of absence.

The members chosen, Mr. [John] Dickinson and Mr. [Roger] Sherman.

The following gentlemen were put in nomination for a commissioner of the Board of War:

Mr. J[esse] Root, by Mr. [Henry] Marchant.

For auditor general:

Mr. Francis Hopkinson, by Mr. [Joseph] Hewes.

For commissioners of the Board of Treasury;

Mr. Francis Hopkinson by Mr. [Henry] Laurens; Mr. John Hurd, by Mr. [Woodbury] Langdon.

[1] This report, dated October 22, is in the *Papers of the Continental Congress*, No. 136, III, folio 751.

The Committee on the Post office brought in a report; Whereupon,

The Committee on the Post Office Report:

That the Post Master has laid before them his general accounts, which are herewith presented. It appears from one of these accounts A, that a balance was due on the 5th inst. to the Post Master of £375 18 6.

From another account, marked B, that the office is now indebted for arrears to post riders about £17666 1 3 according to the nearest computation that the Comptroller can at present make.

The post Masters salary is at present 2000 Dollars per annum.

The Comptroller's, 1500 per annum.

The surveyors, each, 20 dollars per day:

of which these officers respectively complain as being insufficient for their support, as appears by the Post Master's letter of the 5th inst and the Comptroller's of the 22d, which also accompany this, and to which the Committee beg leave to refer.

The Committee beg leave to recommend that the accounts be
Agd referred to the Treasury Board; that a warrant issue on the treasurer to pay into the Post Master's hands 40,000 dollars
Agd in order to discharge the arrears due by, and for con-
Passed tinuing the functions of the office; he to be accountable.

That the post Masters salary be encreased to 3500 Dollars per
Passed annum to commence the first day of September last.

That the Comptroller's salary be encreased to 2500 dollars per
Passd annum, to commence on the said 1st September.

Mr Bryson, one of the surveyors, has proposed to the Committee in a paper marked C, to continue in his office at the present allowance of 20 dollars per day, on condition of being allowed to draw forage for one horse and clothing for himself on the terms under which officers of the army draw clothing from the clothier general, which the Committee beg leave to submit to Congress, and recommend that whatever additional allowance be made to Mr Bryson, may also be made to Mr Hazard and Mr Stevens respectively the other surveyors.[1]

The last paragraph recommitted.[2]

[1] This report, in the writing of Henry Laurens, is in the *Papers of the Continental Congress*, No. 61, folio 459. It is endorsed: "Read, October 23, 1779. Part passed: remainder postponed to Tuesday 26. Part passed and part recommitted, December 1."

[2] A line in the writing of Samuel Huntington.

Resolved, That a warrant issue on the treasurer, in favour of R. Bache, Esq. postmaster general, for forty thousand dollars, to discharge the arrears due by and for continuing the functions of the office; for which sum he is to be accountable:

Ordered, That the farther consideration of the report be postponed till Tuesday next.

The Marine Committee, to whom were referred sundry papers relative to the navy department, brought in a report,

Ordered, That the same be taken into consideration on Thursday next.

The Marine Committee, to whom was referred the letter of 21, from the supreme executive council of Pensylvania, report, that they have written a letter to Captain Harding, of the *Confederacy*, reciting "that they have received information, that he has lately impressed on board the said frigate several seamen, citizens of this State, who have left families in this city in a distressed situation, and ordering him, if this be true, to discharge them immediately."

The Marine Committee to whom was referred a letter from President Reed dated the 21st of October 1779 beg leave to report to Congress the following Resolution:

Resolved, That no Commander of any ship or vessel of war in the service of the United States shall impress, or cause to be impressed, any person on board the same without permission first obtained from the Legislative or executive authority of the State in which such ship or vessel may then be.[1]

Ordered, That the report of the Medical Committee on the medical staff be taken into consideration on Wednesday next.

According to order,

Congress took into consideration the report of the committee to whom was referred so much of the resolutions respecting the establishment of a Board of Treasury as relates

[1] This report is in the *Papers of the Continental Congress*, No. 37, folio 167.

to the annual election of the officers, and who were also to consider proper salaries for the said officers;[1] Whereupon,

Resolved, That the commissioners, secretary and clerks of the Board of Treasury, and all officers in the departments of the auditor general, treasurer, and chambers of accounts, who may be appointed before the conclusion of the present war, shall hold their respective offices during the pleasure of Congress; any thing contained in an ordinance for establishing a Board of Treasury, and the proper offices for managing the finances of these United States, to the contrary notwithstanding:

On passing the foregoing resolution, the yeas and nays being required by Mr. [James] Mercer,

New Hampshire,			*Delaware*,		
Mr. Peabody,	no	no	Mr. Dickinson,	no	no
Langdon,	no				
Massachusetts Bay,			*Maryland*,		
Mr. Gerry,	ay	no	Mr. Plater,	ay	ay
Lovell,	no		Forbes,	ay	
Holten,	no		*Virginia*,		
Partridge,	no		Mr. Griffin,	ay	ay
Rhode Island,			Mercer,	no	
Mr. Marchant,	no	no	Fitzhugh,	ay	
Connecticut,			*North Carolina*,		
Mr. Huntington,	no	no	Mr. Harnett,	ay	ay
Sherman,	no		Hewes,	ay	
New Jersey,			Sharpe,	ay	
Mr. Scudder,	ay	ay	*South Carolina*,		
Fell,	ay		Mr. Mathews,	ay	ay
Pennsylvania,					
Mr. Atlee,	ay	ay			
Searle,	ay				
Muhlenberg,	no				

So it passed in the affirmative.

[1] From this point to the end of October 26 the entries are in the writing of George Bond.

Resolved, That until the further order of Congress, the commissioners of the Board of Treasury, not members of Congress, be respectively allowed a salary of fourteen thousand dollars per annum:

That the auditor general be allowed a salary of twelve thousand dollars per annum:[1]

That the commissioners of the chambers of accounts be allowed twelve thousand dollars per annum:

That the secretary of the Board of Treasury, and the assistant auditor general, be respectively allowed ten thousand dollars per annum:

That the treasurer be allowed fifteen thousand dollars per annum:

That the clerks of the Board of Treasury, and of the departments of the auditor general, treasurer and chambers of accounts, be allowed 7,000 dollars per annum respectively:

That the salaries aforesaid shall be annually or oftener, if Congress shall judge it expedient, revised and altered agreeable to the appreciation of the continental currency.

Provided that the said salaries shall not at any time be reduced lower than 2000 Dollars p^{r} annum for each of the said Commissioners of the Board of Treasury and Auditor General; nor than 1500 Dollars pr an. for each of the Commissioners of the Chambers of Accounts, Secretary of the Treasury, and assistant Auditor General; nor than 2200 Dollars pr year for the Treasurer, nor than 1000 Dollars pr year for each of the clerks aforesaid.[2]

Postponed

Ordered, That the farther consideration of the report be postponed till Monday next.

The Committee on the Treasury brought in a report; Whereupon,

[1] In the original report the salary of the auditor general was fixed at the same rate as the commissioners.

[2] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 26, folio 83.

Ordered, That a warrant issue on the treasurer, in favour of Mr. G[ouverneur] Morris, one of the delegates for the State of New York, on his application, for four thousand dollars; for which the said State is to be accountable.

That a warrant issue on Thomas Smith, Esq. commissioner of the continental loan office for the State of Pensylvania, in favour of Joseph Carleton paymaster to the Board of War and Ordnance, on their application, for forty one thousand one hundred and ninety eight dollars and 60/90 in loan office certificates, to enable them to discharge a draft of William Smith, Esq. their agent for purchasing cloathing at Baltimore; for which the said Joseph Carleton is to be accountable.

That on the application of James Wilkinson, Esq. clothier general, countersigned by the Board of War, a warrant issue in his favour, on the supreme executive council of the State of Pensylvania in part of the sum lent them on the ninth of April last, for one hundred thousand dollars, for the use of the hide department; for which the said James Wilkinson, Esq. is to be accountable.[1]

Adjourned to 10 o'Clock on Monday.

MONDAY, OCTOBER 25, 1779

A letter, of the 21st, from General Washington, was read, enclosing an extract of a letter from Colonel D. Broadhead, dated Pittsburg, September 16th:[2]

Ordered, That the letter from General Washington, with the extract enclosed, be referred to a committee of three:

The members chosen, Mr. [Samuel] Atlee, Mr. [William Churchill] Houston, and Mr. [Henry] Marchant.

[1] This repot, dated October 22, is in the *Papers of the Continental Congress*, No. 136, III, folio 747.

[2] The Washington letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 123; the Brodhead extract is on folio 135; the second letter is on folio 131.

A letter from General Washington, of the same date, at 5 P. M., was read:

Ordered, That the same, together with an extract of the General's former letter, be referred to the Committee of Intelligence.

A letter, of this day, from Doctor John Morgan, was read:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Roger] Sherman, Mr. [William] Paca, and Mr. [John] Dickinson.

A letter, of the 25th, from Jonathan Burrall, was read:[1]

Ordered, That the same be referred to the Board of Treasury.

Whereas it is represented to Congress, on behalf of Susannah Hotchkiss, widow of Mr. John Hotchkiss, late of New Haven, deceased, that the said John Hotchkiss, on the 31st of May last, deposited in the continental loan office in the State of Connecticut, 270 dollars, of the emissions of May 20th, 1777, and April 11th, 1778, for exchange; that on the 5th of July last, at New Haven aforesaid, the said John Hotchkiss was slain in battle, in repelling the common enemies of the United States, and that his pocket-book, in which was the certificate which he received for said bills, cannot be found; that the commissioner of the said loan office does not think himself warranted to pay the sum due on said certificate, without the special order of Congress; Whereupon,

On motion of Mr. [Roger] Sherman, seconded by Mr. [Henry] Marchant,

Ordered, That the said application be referred to the Board of Treasury.

Congress proceeded to the consideration of foreign affairs, and some time being spent thereon,

Adjourned to 10 o'Clock to Morrow.

[1] The Morgan letter is in the *Papers of the Continental Congress*, No. 63, folio 137; that of Burrall, in No. 78, III, folio 371.

TUESDAY, OCTOBER 26, 1779

A letter, of the 9th, from Colonel D. Brodhead, was read:[1]

Ordered, That it be referred to the Board of War.

Mr. G[ouverneur] Morris laid before Congress a letter from the Senate of New York, to their delegates in Congress, dated October 1st, 1779, which was read:

Ordered, That the same be referred to the Board of War.

A memorial from Lewis Weiss, attorney in fact, of the wardens of the Single Brethren at Bethlehem, was read, with an account enclosed:[2]

Ordered, That the same be referred to the Board of Treasury.

A report from the Board of War, relative to an advance of money to Captain de Frey, to enable him to prosecute his voyage to France, was read:

Ordered, That the same be re-committed.

The committee, to whom was referred the petition of Ralph Smith, Jonathan Patten and Joseph Ruggles, brought in a report; Whereupon,

Resolved, That the commissary general of purchases, or his deputy, be directed to pay to the petitioners for the four hundred and thirty eight barrels of flour taken from them for the use of the public, the same per hundred weight, including what he hath already paid them, as he gave to others at that time in Baltimore for flour of the like quality.[3]

Congress proceeded to the consideration of foreign affairs and some time being spent thereon,

[1] This letter is in the *Papers of the Continental Congress*, No. 78, III, folio 355. The New York letter is in No. 67, II, folio 214.

[2] This memorial, dated October 23, is in the *Papers of the Continental Congress*, No. 41, X, folio 399.

[3] This report, in the writing of Jesse Root, is in the *Papers of the Continental Congress*, No. 22, folio 153.

Congress took into consideration the report of the committee on instructions to the person appointed to negotiate a loan in Holland: Whereupon,

Resolved, That he be instructed to borrow a sum not exceeding ten million dollars, at the lowest rate possible, not exceeding six per cent. per annum.

Resolved, That he be empowered to employ, on the best terms in his power, some proper mercantile or banking house in the city of Amsterdam, or elsewhere, in the United Provinces of the low countries, to assist in the procuring of loans, to receive and pay the money borrowed, to keep the accounts, and to pay the interest.

That he be also empowered to pledge the faith of the United States, by executing such securities or obligations for the payment of the money as he may think proper; and also that the interest shall not be reduced, nor the principal paid, during the term for which the same shall have been borrowed, without the consent of the lenders, or their representatives.

That he be directed to give notice to Congress of any loan made by him, or under his authority, and to direct the house by him employed to accept and pay the bills of exchange which may be drawn under the authority of Congress.

Resolved, That a commissioner be appointed, and furnished with instructions for entering into a treaty of amity and commerce with the United Provinces of the low countries.

Resolved, That a committee of three be appointed to prepare a commission for the person appointed to negotiate a loan in the United Provinces of the low countries, and also instructions for the person to be appointed to negotiate a treaty of amity and commerce with the said provinces, and a commission for that purpose.

The members chosen—Mr. [John] Mathews, Mr. [William Churchill] Houston, and Mr. [Gouverneur] Morris.[1]
Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, OCTOBER 27, 1779

A memorial of Major W[illiam] Macpherson, was read:

Ordered, That it be referred to the Board of War.

Sundry returns of the state of the hospital in the southern department, were laid before Congress and read:

Ordered, That they be referred to the Medical Committee.

A memorial of Ephraim Blaine, was read, accompanied with sundry papers:[2]

Ordered, That they be referred to the committee appointed to superintend the departments of the quarter master and commissary general.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on Derick Ten Broek, Esq. late commissioner of the continental loan office in the State of New York, or his successor in office, in favour of James Wilkinson, Esq. cloathier general, upon his application of the 16 instant, countersigned by the Board of War, for fifty thousand dollars, for the use of the hide department; the said James Wilkinson to be accountable for the said sum, and to inform the Board of Treasury of the name of the person who may discharge the said warrant.

That a warrant issue on the treasurer, in favour of Mr. J[esse] Root, one of the delegates for the State of Connecticut, on his application, for five thousand dollars; for which the said State is to be accountable.

[1] These resolves were entered only in the manuscript Secret Journal, Foreign Affairs. The last resolve, in the writing of George Bond and John Mathews, is in the *Papers of the Continental Congress*, No. 25, I, folio 167.

[2] Macpherson's memorial is in the *Papers of the Continental Congress*, No. 147, II, folio 565; that of Blaine, dated October 25, is in No. 41, I, folio 208.

That a warrant issue on the treasurer, in favour of John Biddle, Peter Thomson, Isaac Howell, Isaac Snowden and Nathaniel Falconer, inspectors of the continental press, for two thousand dollars, on their application, for the contingent expences of their department; for which they are to be accountable.[1]

A report from the commissioners of claims on the accounts of the hon[ble] J[ohn] Adams, Esq. late one of the commissioners of the United States at the court of Versailles, was read:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [James] Forbes, Mr. [John] Mathews and Mr. [William Churchill] Houston.

Congress proceeded to the election of a secretary to the Board of Ordnance, and pay master to the Board of War and Ordnance; and, the ballots being taken,

Joseph Carleton was elected.

The Board of War having represented to Congress that Mr. J. Carleton has, by their appointment, discharged the business of the office, to which he is now elected, from the time of Mr. Nourse's resignation, at which date he was by them recommended to Congress:

Resolved, That Mr. J. Carleton be considered as secretary to the Board of Ordnance, and pay master to the Board of War and Ordnance, and entitled to the pay and emoluments of that office from the time of Mr. J. Nourse's resignation.[2]

The committee to whom was referred a letter of the 21, from General Washington, enclosing an extract of a letter from colonel D. Brodhead, brought in a report; Whereupon,

Resolved, That the thanks of Congress be given to his Excellency General Washington, for directing, and to Colonel D. Brodhead and the brave officers and soldiers under his

[1] This report, dated October 26, is in the *Papers of the Continental Congress*, No. 136, III, folio 753.

[2] These resolutions were based upon a letter from the Board of War, dated October 27, in the *Papers of the Continental Congress*, No. 147, II, folio 543.

command, for executing the important expedition against the Mingo and Muncey Indians, and that part of the Senecas on the Alleghany river, by which the depredations of those savages, assisted by their merciless instigators, subjects of the king of Great Britain, upon the defenceless inhabitants of the western frontiers, have been restrained and prevented.[1]

The Board of War, to whom was re-committed their report respecting Baron de Frey, brought in a report; Whereupon,

Resolved, That the resolution of the 4th instant giving a furlough to Baron de Frey, be re-considered and repealed.

Resolved, That the Baron de Frey, being desirous of returning to France, be excused from any further service:

That in consideration of his merit and good services, he be allowed the sum of one thousand five hundred dollars, to enable him to return to France.[2]

The committee, to whom was referred the petition of George Morgan and W. Trent, brought in a report:[3]

Ordered, That the same be taken into consideration on Friday next.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Charles Morse and John Jackson, clerks in the office of the secretary of Congress, for one thousand dollars each; for which they are to be respectively accountable.[4]

According to order, Congress took into consideration the report of the Medical Committee and after debate,

[1] This report, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 19, VI, folio 281.

[2] This report, dated October 27, is in the *Papers of the Continental Congress*, No. 147, II, folio 539. With it is the second paragraph in the writing of John Dickinson.

[3] See under October 29, p. 1230, *post*.

[4] This report, dated October 27, is in the *Papers of the Continental Congress*, No. 136, III, folio 757.

On motion of Mr. [Nathaniel] Scudder, seconded by Mr. [Samuel] Holten,

Resolved, That the farther consideration thereof be postponed.

On motion of Mr. [Nathaniel] Scudder, seconded by Mr. [William Churchill] Houston,

Resolved, That the director general, each of the deputy directors general, each physician and surgeon general, each senior physician and surgeon, each junior surgeon, each apothecary general, each chaplain and each apothecary's assistant, in the hospital of the United States, ~~to the northward of the river Potomac~~ shall be entitled to draw clothing annually from the stores of the clothier general, in the same manner, and under the same regulations as are established for officers of the line, by a resolution of the twenty-sixth day of November, 1777.

Resolved, That until the further order of Congress, the said officers of the military hospital shall also be entitled to subsistence, in like manner as is granted to officers of the line, to be estimated in the following ratio:

1st. The director general to receive the same subsistence as a colonel in the line:

2d. The deputy directors general, the physicians, surgeons and apothecaries general, the same as lieutenant colonels:

3d. The senior physicians and surgeons the same as majors:

The junior surgeons and apothecaries' assistants the same as captains: and the chaplains, the same as chaplains of brigades are entitled to by a resolution of the 18th day of August last, and to commence from the said 18th day of August.

Resolved, That the mates of the military hospital shall, during service, be entitled to the same subsistence as is given to regimental surgeon's mates, by the resolution of the 18th day of August last.

The Marine Committee, to whom was referred the memorial of Oliver Bowen, brought in a report, which was read.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, OCTOBER 28, 1779

A letter, of 27, from the Board of War, was read; Whereupon,

The Board find that there will be but a scanty supply of leather for immediate purposes obtained in this quarter, and therefore think it best to draw an addition to the stock from South Carolina, where we are informed it can be obtained in abundance and at reasonable rates. If any is purchased it may at this time be transported by water, and unless some means of this kind are used, the troops will suffer in the articles of shoes and military accoutrements. A great saving might also be made in the Quarter Master's Department from a supply obtained in this way. The Honble Mr. Laurens' going to the Southward affords us an immediate opportunity of Executing our plan and he has been pleased to undertake to give his assistance. We would wish to buy One hundred thousand weight, viz^{t} 60,000 Soal, 20,000 upper and the like quantity of Harness leather. The mode of payment we propose to be by monies from the loans and taxes raised in the State of South Carolina. We therefore beg leave to report:

That the Board of War be authorized to purchase a quantity of leather not exceeding one hundred thousand pounds weight in the State of South Carolina, and that the Commercial Committee be directed to afford the means of transportation for the said leather by water from the said State.

That warrants issue on the Gov^{r} of the State of South Carolina in favor of the Paymaster of the Board of War, or the order of the said Board for the sum of Dollars to enable the Board to comply with their engagements for the purchase of the said leather.

That in case a sufficient sum shall not be in the Loan Office of the Said State to pay for the leather bought by the Board in virtue of the directions aforesaid, the Government of the said State be requested to advance to the order of the Board out of the taxes raised

on Continental account such sums as will be necessary for payment of all deficiencies in the purchases of leather which cannot be supplied out of the Loan Office, and that the said State shall be credited on account of taxes with all monies so advanced.[1]

Resolved, That the Board of War be authorized to purchase a quantity of leather, not exceeding one hundred thousand pounds weight, in the State of South Carolina:

That the Board of War be authorized to draw upon the governor of the State of South Carolina for such sum or sums as will be necessary to pay for the said leather, and that the governor of the said State of South Carolina be requested to advance out of the taxes raised on the continental account, such sums as shall be drawn for by the Board of War for that purpose.

On motion of Mr. [Nathaniel] Scudder, seconded by Mr. [Henry] Laurens,

Resolved, That the resolutions of yesterday, respecting the officers of the hospital department of the United States, be re-considered; and together with the report of the Medical Committee on the hospital department, be re-committed.

Congress resumed the consideration of the report of the Board of War respecting the quarter masters' artificers; and after debate,

Ordered, That it be re-committed.

A memorial of Hendrick Smock was read:[2]

Ordered, That it be referred to the Board of Treasury.

Mr. James Milligan was put in nomination by Mr. [Roger] Sherman, for the office of auditor general.

According to order,

Congress took into consideration the report of the Marine Committee respecting the navy department; Whereupon,

[1] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 547.

[2] This memorial, dated September 30, is in the *Papers of the Continental Congress*, No. 41, IX, folio 96.

Resolved, That a Board of Admirality be established, to superintend the naval and marine affairs of these United States; to consist of three commissioners not members of Congress, and two members of Congress, any three of whom to form a board for the despatch of business; to be subject in all cases to the control of Congress:

That there shall not be more than one member of the said Board at any time belonging to the same State:

That there shall be a secretary to the said Board, to be appointed by Congress:

That the Board have power to appoint a clerk to assist them in the execution of the business of the department:

That the said Board of Admiralty be, and they are hereby authorized, empowered and directed, to form proper plans for increasing the naval force of the United States, and for the better regulating the same, and lay them before Congress:

That they have the ordering and directing the destination of all ships and vessels of war; that they superintend and direct such navy boards as are now established or may at any time hereafter be established by Congress; cause fair entries to be made and proper accounts kept of all business transacted by them; examine the accounts of the several navy boards, and all agents and other persons who have transacted or may transact any business relative to the marine department, where such accounts have not been finally settled; report the same to Congress, and make proper entries in their books, so that the whole matters may be comprehended in one view; keep an alphabetical and accurate register of the names of all officers of the navy in the service of the United States, with their rank and the date of their commissions, which commissions shall be signed by the President of Congress and countersigned by the secretary to the said Board of Admiralty; publish annually a register of all appointments; obtain regular

and exact returns of all warlike stores, cloathing, provisions and all other necessary articles belonging to the marine department; take the care and direction of all marine prisoners; execute all such matters as shall be directed, and give their opinion on all such subjects as shall be referred to them by Congress, or as they may think necessary for the better regulation and improvement of the navy of the United States; and in general to superintend and direct all the branches of the marine department:

That the said Board shall sit in the place where Congress shall be held, and no member of the Board shall absent himself without leave of Congress, or the committee of the states in the recess of Congress:

That all the proceedings of the said Board shall be inspected by Congress, or a committee by them appointed for that purpose, as often as may be thought proper and convenient; and every member of Congress may have free access to the records and papers of the said Board, excepting such as are in their nature secret:

That all navy and marine officers and other attending upon or connected with the admiralty department, be, and they are hereby required and enjoined to observe the directions of the said Board in all such other matters as they may be directed, or may tend to facilitate the business of the department.

Resolved, That the salary of each of the three commissioners who shall conduct the business of the Board of Admiralty, be 14,000 dollars per annum, and the salary of the secretary of the said Board be 10,000 dollars per annum; said salaries to be annually, or oftener if Congress shall judge it expedient, revised and altered agreeably to the appreciation of the continental currency.

Resolved, That Monday the 15 day of November be assigned for nominating the officers aforesaid.

That whenever a Motion is made to recall or discharge any person who may hold an office under these United States, the question shall be put, whether the said person shall be continued in office, and if it is not consented to by a majority of the States present, he shall be recalled or discharged as the case may be.[1]

Adjourned to 10 o'Clock to Morrow.

FRIDAY, OCTOBER 29, 1779

A memorial from Major Widdersheime was read:

Ordered, That it be referred to the Marine Committee, and that they provide Major Widdersheime with a passage to Europe by the first opportunity.

Mr. [John] Dickinson, a delegate from Delaware, laid before Congress a letter, of 27, from the president of that State, which was read:[2]

Ordered, That it be referred to the Board of Treasury.

The Committee on the Treasury, to whom was referred the application of Susannah Hotchkiss, brought in a report; Whereupon,

Resolved, That John Lawrence, Esq. commissioner of the continental loan office for the State of Connecticut, be and he is hereby directed to pay unto the executor, or administrator of John Hotchkiss, deceased, the sum of two hundred and seventy dollars, in exchange for that sum deposited by the said John Hotchkiss in his lifetime in the said loan office, in continental bills of credit, of the emissions of May 20, 1777 and April 11, 1778, to be in full for the certificates given by the said loan officer to the said John Hotchkiss; it being represented that the said certificates were in the pocket of the said John Hotchkiss, when he was killed in battle against the enemy, and that the same have not since been found.[3]

[1] This motion, in the writing of Elbridge Gerry (seconded by James Mercer), is in the *Papers of the Continental Congress*, No. 36, I, folio 35. It is endorsed: "October 28, 1779."

[2] This letter is in the *Papers of the Continental Congress*, No. 70, folio 715.

[3] This report, dated October 27, is in the *Papers of the Continental Congress*, No. 136, III, folio 761.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the Thomas Smith, Esq. commissioner of the continental loan office for the State of Pensylvania, in favour of Colonel Isaac Melcher, barrack master general, upon his application approved by the Board of War, for two hundred thousand dollars in certificates, and two hundred thousand dollars in bills of credit, for the use of his department; for which sums, amounting to four hundred thousand dollars, he is to be accountable.

Resolved, That a warrant issue on the Treasurer in favour of the Honorable Henry Laurens and [John] Matthews Esquires, Delegates for the State of South Carolina, upon their application for four hundred and fifty dollars for ——— Downes, adjutant in the service of the said State; for which sum the said State is to be accountable.[1]

Negatived

The committee appointed to prepare a plan for the establishment of courts of appeals for determining captures on water, brought in a report, which was read:

The Committee appointed to report a plan for establishing one or more Courts of Appeals, for finally determining captures on water, beg leave to report and submit the following plan:

That these United States be divided into four districts.

That New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, and Connecticut be one District, and called the Eastern District.

That New York, New Jersey and Pennsylvania, be a District, and called the Northern District.

That Delaware, Maryland, and Virginia, be a District, and called the Middle District.

That North Carolina, South Carolina and Georgia be a District, and called the Southern District.

That a Court of Appeals be established in each District for the trial of all appeals from the Admiralty Courts in such District.

[1] This report, dated October 28, is in the *Papers of the Continental Congress*, No. 136, III, folio 765.

That there be two sets of Judges, each set to consist of three persons, learned in the law, who shall be commissioned by Congress during good behaviour, and sworn to execute the office of Judge faithfully and impartially.

That one set of the said Judges shall act in both the courts in the Eastern and Northern Districts; and any two of them in the absence of the third, shall be authorized to hold the said Courts; and that the said Judges shall be stiled, Judges of the Courts of Appeal for the Eastern and Northern Districts.

That the other set of Judges shall act in both the Courts in the middle and Southern Districts; and any two of them in the absence of the third be empowered to hold the said Courts; and the said Judges shall be stiled, Judges of the Courts of Appeal for the Middle and Southern Districts.

That the said Courts of Appeal be held once in every year or oftener, as circumstances shall direct:

That the Judges shall respectively determine the times and places for the sitting of the said Courts of Appeal in the said Districts, and shall give public notice thereof.

That the said Judges be authorized to appoint Registers and Marshals for their respective Courts, and such other officers as are proper and incident to such Courts, and the same to remove at Pleasure.

That the said Courts of Appeal have all the powers of a Court of record in fining and imprisoning for contempts and disobedience. That the Judges of the Courts of Admiralty, and all officers of the said courts, pay obedience to the decrees and orders of the Courts of Appeal, under pain of being guilty of a contempt, and subject to be imprisoned.

That an Appeal be allowed in all cases of Captures on water, except such in which the Party who prays an appeal be a subject or inhabitant of the State where the trial was had in the Court of Admiralty, and prays the same in his own right, and not on Behalf of said foreigner or subject of another State.

That no appeal be granted unless demanded within five days after definitive sentence, and lodged with the Register of the Court of Appeals for the District in which the Trial was had within thirty days afterwards.

That the Judges of the said Court of Appeals be allowed their Itinerant charges, and each of them the annual sum of pounds current money.

That the said Judges be authorized to make such allowances for their Registers and Marshals and other necessary officers, if any, as they shall think reasonable.

That all fines imposed by the Court of Appeals shall be collected by the Registers and paid into the Continental Treasury.

That all appeals be heard and determined according to the Civil Law, the law of nations and the usage and practice of the Courts of Admiralty in Europe.

That the jurisdiction of the Court of Admiralty established in the several States so far as it relates to captures on waters, be subject only to the controul of the Courts of Appeal, except in such cases in which no appeal is given to such Courts of Appeal.

That the trial of all Captures in the Court of Admiralty be according to the antient and common mode of proceeding, and not by a Jury.

That the Judges of the Courts of Admiralty in the several States shall order and direct all captures to be inventoried and appraised, in current money and according to current prices; which inventory and appraisement shall be filed in the said Court.

That the definitive sentence or decree of any of the said Courts of Admiralty shall be carried fully into execution, notwithstanding an appeal may be pray'd for, and granted; Provided the party who Appeals is not a subject or Inhabitant of any of the United States; and provided also that the party in whose favor the definitive sentence or decree is passed, shall procure such good and sufficient sureties, residents in the State where the said definitive sentence or decree is given as the Court of Admiralty shall approve, to enter into a recognizance before the said Court, in penalty double the sum of the Inventory and appraisement of the Capture; on condition to pay in current money to the party who appeals the value of such right and interest in the said Capture; and also all such costs as the Court of Appeals shall adjudge or decree to appertain and belong to the appellant; the said value to be ascertained by the inventory and appraisement of the capture.

That such recognizance be considered in the nature of a statute staple, and have the like legal effect and Operation.

That if the appellant obtains a decree in his favor, and the appellee, his surety or sureties, do not within thirty days, after such decree pay the said appellant in current money, the value of such right and interest in the capture as may be adjudged and decreed to the appellant, of which decree and the time of its passing the appellee shall be presumed to have notice, the Judge of the Court of Admiralty which

took the recognizance shall, on the appellants producing an authenticated copy of the decree in the Court of Appeals and the bill of costs and demanding that it be enforced, indorse on the said recognizance the value in money of the right and interest adjudged and decreed to the appellant and also the costs, ascertaining the value as aforesaid by the inventory and appraisement of the capture, and shall transmit such recognizance and indorsement to any competent court of record in the State in which the said Court of Admiralty is established, as the appellant or his Council shall direct; which Court shall receive and record the same, and issue thereupon such process as may be required and is usual to enforce a statute staple, and proceed therein till the appellant shall obtain full satisfaction for the penalty of the said recognizance; Provided, nevertheless, that if the Conusors, on or before the issuing of said process or notice thereof, shall come into Court and pay the money and costs endorsed on the said recognizance, and all such additional expence and damages by way of interest as the said Court shall adjudge; that then the said Conusors shall be discharged from the said recognizance and from all process thereon if any should be issued.

That in all cases of captures, all exhibits evidence and proceedings be in writing, and at full length.

That in all cases where the Courts of Appeal or Courts of Admiralty shall adjudge an imprisonment, the commitment shall be the jail of that Township or County of the State in which the court was held that adjudged the imprisonment.[1]

Ordered, That the same be taken into consideration on Monday, the 8th day of November next, and that in the mean time, a number of copies be printed for the use of the members.

According to order, Congress took into consideration the report of the committee on the memorial of George Morgan, and the petition of William Trent:

After debate, a motion was made by Mr. [James] Mercer, seconded by Mr. [Gouverneur] Morris, that the report be re-committed.

On which the yeas and nays were required by Mr. [Cyrus] Griffin, the report being as follows:

[1] This report, in the writing of William Paca, is in the *Papers of the Continental Congress*, No. 36, I, folio 37–47.

The committee to whom were referred the memorial of G. Morgan and the petition of W. Trent, beg leave to report, that they have read over and considered the state of facts given in by the delegates of Virginia, and cannot find any such distinction between the question of the jurisdiction of Congress, and the merits of the cause, as to recommend any decision upon the first separately from the last; that they recommend to Congress the following resolution, that, considering the present incomplete state of the confederation, it be recommended to the State of Virginia, and every other State in similar circumstances, to suspend the sale, grant, or settlement of any land unappropriated at the time of the declaration of independence, until the conclusion of the war.[1]

New Hampshire,			*Delaware,*		
Mr. Peabody,	no	no	Mr. Dickinson,	no	no
Langdon,	no				
Massachusetts Bay,			*Maryland,*		
Mr. Gerry,	ay	ay	Mr. Plater,	no	no
Holten,	ay		Paca,	no	
Rhode Island,			Forbes,	no	
Mr. Marchant,	no	no	Jenifer,	no	
Connecticut,			*Virginia,*		
Mr. Sherman,	no	no	Mr. Griffin,	ay	ay
Huntington,	no		Mercer,	ay	
Root,	no		Fitzhugh,	ay	
New York,			*North Carolina,*		
Mr. Morris,	ay	*	Mr. Harnett,	ay	ay
New Jersey,			Hewes,	ay	
Mr. Witherspoon,	no	no	Sharpe,	ay	
Scudder,	no		*South Carolina,*		
Houston,	no		Mr. Mathews,	no	no
Pennsylvania,					
Mr. Wynkoop,	no	no			

So it passed in the negative.

Adjourned to 10 o'Clock to morrow.

[1] This report, in the writing of Samuel Atlee, is in the *Papers of the Continental Congress*, No. 19, IV, folio 129.

SATURDAY, OCTOBER 30, 1779

A memorial of Captain Charles de Frey, and a letter of this day from Richard Peters, were read:[1]

Ordered, That they be referred to a committee of three:

The members chosen, Mr. [John] Mathews, Mr. [William] Sharpe and Mr. [Henry] Marchant.

A memorial of James Wharton was read:

Ordered, That it be referred to the Marine Committee.

The Committee on the Treasury brought in a report; Whereupon,

TREASURY OFFICE, *October 30th, 1779.*

The Committee on the Treasury, having according to order considered the account of Richard Phillips, Steward to the President of Congress, for the expences of himself and family in coming from Hartford to Philadelphia, beg leave to report the following Resolution:

Resolved, That a warrant issue on the Treasurer in favour of Richard Phillips Steward to the President of Congress, for 1035 dollars, in full for the expences of himself and Family in coming from Hartford to Philadelphia.[2]

Rejected

Ordered, That a warrant issue on the treasurer, in favour of Richard Philips, steward to the President of Congress, for one thousand dollars; for which he is to be accountable.

Resolved, That the managers be directed to make sale of the tickets of the third class of the lottery of the United States without delay, that the drawing thereof commence the first of March next, and be completed as soon as may be, and that the tickets then unsold be the property and at the risque of the said states.

Resolved, That loan office certificates of the following denominations, bearing an interest of six per centum per annum, be struck, under the direction of the Board of Treas-

[1] The memorial, dated October 29, is in the *Papers of the Continental Congress*, No. 41, III, folio 204; the letter of Peters, in No. 78, XVIII, folio 259.

[2] This report, dated October 30, is in the *Papers of the Continental Congress*, No. 136, III, folio 773.

ury, to be issued to such fortunate adventurers in the second class as may be entitled to and apply for the same; and that the said certificates be dated at the time of finishing the drawing of the said class, and made payable at the end of five years from their date, viz. 18 certificates of 5000 dollars each, 90,000 dollars; 100 certificates of 1000 dollars each, 100,000 dollars; 820 certificates of 500 dollars each, 410,000 dollars; amounting to 600,000 dollars.

Resolved, That the farther consideration of the report be postponed.

A motion was made by Mr. [William] Paca, seconded by Mr. [George] Plater, in the following words:

Whereas it appears to Congress that the opening the land office in the State of Virginia, for the purpose of locating lands unappropriated at the time independence was declared, has produced much uneasiness, dispute and controversy, and greatly weakened these United States by the emigrations of their inhabitants to parts remote from defence against the common enemy; *Resolved*, therefore, that it be earnestly recommended to the State of Virginia to re-consider their late act of assembly for opening their land office; and that it be recommended to the said State, and all other states similarly circumstanced, to forbear settling or issuing warrants for such unappropriated lands, or granting the same during the continuance of the present war:

To this an objection was made as being out of order; and on the question, is the motion in order, the yeas and nays being required by Mr. [Gouverneur] Morris,

New Hampshire,			*Connecticut*,		
Mr. Peabody,	ay	ay	Mr. Sherman,	ay	ay
Langdon,	ay		Huntington,	ay	
Massachusetts Bay,			*New York*,		
Mr. Gerry,	ay	ay	Mr. Morris,	no	div.
Lovell,	ay		Lewis,	ay	
Holten,	ay				
Partridge,	no				

New Jersey,			*Virginia,*		
Mr. Witherspoon,	ay		Mr. Mercer,	no	*
Scudder,	ay	ay	Fitzhugh,	no	
Fell,	ay		*North Carolina,*		
Houston,	ay		Mr. Harnett,	no	no
Pennsylvania,			Sharpe,	no	
Mr. Searle,	ay	ay	*South Carolina,*		
Muhlenberg,	ay		Mr. Mathews,	ay	ay
Maryland,					
Mr. Plater,	ay				
Paca,	ay				
Forbes,	no	ay			
Jenifer,	ay				

So it was resolved in the affirmative.

The resolution was then taken into consideration, and a division being called for; and on the question to agree to the first clause, as far as "land office," inclusive, the yeas and nays being required by Mr. [Cyrus] Griffin,

New Hampshire,			*Pennsylvania,*		
Mr. Peabody,	ay	ay	Mr. Searle,	ay	ay
Langdon,	ay		Muhlenberg,	ay	
Massachusetts Bay,			*Maryland,*		
Mr. Gerry,	ay		Mr. Plater,	ay	
Lovell,	ay		Paca,	ay	ay
Holten,	ay	ay	Forbes,	ay	
Partridge,	ay		Jenifer,	ay	
Rhode Island,			*Virginia,*		
Mr. Marchant,	ay	ay	Mr. Griffin,	no	
Connecticut,			Mercer,	no	no
Mr. Sherman,	ay		Fitzhugh,	no	
Huntington,	ay	ay	*North Carolina,*		
Root,	ay		Mr. Harnett,	no	no
New York,			Sharpe,	no	
Mr. Morris,	no	div.	*South Carolina,*		
Lewis,	ay		Mr. Mathews,	ay	ay
New Jersey,					
Mr. Witherspoon,	ay				
Scudder,	ay	ay			
Fell,	ay				
Houston,	ay				

So it was resolved in the affirmative.

A motion was then made by Mr. [Gouverneur] Morris, seconded by Mr. [William] Sharpe, to strike out the words "and all other states similarly circumstanced."

And on the question, shall those words stand, the yeas and nays being required by Mr. [Gouverneur] Morris,

New Hampshire,			*Pennsylvania,*		
Mr. Peabody,	ay	ay	Mr. Searle,	ay	ay
Langdon,	ay		Muhlenberg,	ay	
Massachusetts Bay,			*Maryland,*		
Mr. Gerry,	ay	ay	Mr. Plater,	ay	ay
Lovell,	ay		Paca,	ay	
Holten,	ay		Forbes,	ay	
Partridge,	ay		Jenifer,	ay	
Rhode Island,			*Virginia,*		
Mr. Marchant,	ay	ay	Mr. Griffin,	ay	ay
Connecticut,			Mercer,	ay	
Mr. Sherman,	ay	ay	Fitzhugh,	ay	
Huntington,	ay		*North Carolina,*		
Root,	ay		Mr. Harnett,	no	no
New York,			Sharpe,	no	
Mr. Morris,	no	div.	*South Carolina,*		
Lewis,	ay		Mr. Mathews,	ay	ay
New Jersey,					
Mr. Witherspoon,	ay	ay			
Scudder,	ay				
Fell,	ay				
Houston,	ay				

So it was resolved in the affirmative.

On the question to agree to the latter clause as it stands: resolved in the affirmative.

On motion of Mr. [Gouverneur] Morris, seconded by Mr. [Roger] Sherman,

Resolved, That the consideration of the preamble be postponed.

On motion of Mr. [Gouverneur] Morris, seconded by Mr. [Roger] Sherman,

Resolved, That the following preamble be adopted:

"Whereas the appropriation of vacant lands by the several states, during the continuance of the war, will, in the opinion of Congress, be attended with great mischiefs; therefore."

On the question to agree to the preamble and resolution, the yeas and nays being required by Mr. [Cyrus] Griffin,

New Hampshire,		
Mr. Peabody,	ay	ay
Langdon,	ay	
Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	ay	
Holten,	ay	
Partridge,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
Connecticut,		
Mr. Sherman,	ay	ay
Huntington,	ay	
Root,	ay	
New York,		
Mr. Morris,	no	div.
Lewis,	ay	
New Jersey,		
Mr. Witherspoon,	ay	ay
Scudder,	ay	
Fell,	ay	
Houston,	ay	
Pennsylvania,		
Mr. Searle,	ay	ay
Muhlenberg,	ay	
Maryland,		
Mr. Plater,	ay	ay
Paca,	ay	
Forbes,	ay	
Jenifer,	ay	
Virginia,		
Mr. Griffin,	no	no
Mercer,	no	
Fitzhugh,	no	
North Carolina,		
Mr. Harnett,	no	no
Sharpe,	no	
South Carolina,		
Mr. Mathews,	ay	ay

So it was resolved as follows:

Whereas the appropriation of vacant lands by the several states during the continuance of the war, will, in the opinion of Congress, be attended with great mischiefs; therefore,

Resolved, That it be earnestly recommended to the State of Virginia, to re-consider their late act of assembly for opening their land office; and that it be recommended to the said State, and all other states similarly circumstanced, to forbear

settling or issuing warrants for unappropriated lands, or granting the same during the continuance of the present war.

The sense of the House being taken, it was agreed and ordered, but no entry made on the journal,

That, when the yeas and nays are called on the commitment or postponing the consideration of any paper under debate, or on recommitment of a report, the paper or report be entered on the journal.

In consequence of this, the report of the committee on the memorial of G. Morgan and petition of W. Trent was entered.[1]

Mr. H[enry] Laurens was nominated by Mr. [Henry] Marchant to be appointed a commissioner to negotiate a treaty of amity and commerce with the United Provinces of the low countries.

The committee appointed to prepare a commission for the person appointed to negotiate a loan in the United Provinces of the low countries brought in a draft, which, being read and amended, was agreed to, as follows:

The United States of America in Congress assembled:

To the Hon. H. L., Esqr, a delegate from the state of South Carolina, and formerly President of Congress, Greeting:

We, reposing especial Trust and Confidence in your Patriotism, Ability, Conduct and Fidelity, do by these Presents, constitute and appoint you, the said Henry Laurens, Esqr. during our Pleasure, to be our Agent for and on behalf of the said States, to negotiate a Loan with any Person, or Persons, Bodies Politic and Corporate ~~whatever in the united Provinces of the Netherlands on the Terms and Conditions as he and you may think meet contained in the Instructions herewith delivered to you,~~ promising in good Faith, to ratify and confirm whatsoever shall by you be done in the Premises, or relating thereunto.[2]

Adjourned to 10 o'Clock to Morrow.

[1] These three paragraphs are not entered in their regular place in the Journals, but on the inside cover of the volume, and dated October 30, 1779. A copy, also in the writing of Thomson, is in the *Papers of the Continental Congress*, No. 19, I, folio 15.

[2] This draft, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 47, folio 316. A longer form is in the same volume, folio 323. The proceedings were entered only in the manuscript Secret Journal, Foreign Affairs.

MONDAY, NOVEMBER 1, 1779

An extract from the proceedings of the general court of Massachusetts bay, with a copy of the letter, of 13 September last, from the hon^ble^ John Adams, Esq. was laid before Congress, and read.

A letter from the Board of War was read; Whereupon, Congress came to the following resolution:

WAR OFFICE, *October 30, 1779.*

Lt: Col. Connolly has again and again petitioned Congress for permission to be enlarged on his parole, for the benefit of his health. Those petitions have often been referred to this board; but tho' directed to take order thereon, we could yield him no relief, as it was not, nor is yet determined, that he is a prisoner of war; and consequently we could not take his parole. Heretofore the enemy would have exchanged one of our Lieut: Colonels for him: could this still be effected, we humbly conceive it the most eligible measure that can be taken: Whatever danger might formerly have been apprehended from his influence and artifices among the Indians (in case he had been released) we believe that now the grounds of such apprehensions are removed. We therefore beg leave to report

Lieutenant Colonel J. Connolly having made frequent applications to be liberated and exchanged; therefore, in consideration of his long captivity and confinement,[1]

Resolved, That the commissary general of prisoners be authorized to exchange Lieutenant Colonel J. Connolly for any lieutenant colonel in the army of the United States, who is now a prisoner to the enemy.[2]

A letter, of 20th October, from J. Adams, was read, enclosing a copy of a letter, of January last, from the commissioners to Count de Vergennes, and, of one, of 9 April, from Mr. Adams to the Marquis de la Fayette, and the Marquis' answer,

[1] This paragraph is in the writing of Gouverneur Morris.

[2] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 551.

Congress proceeded to the election of a commissioner to negotiate a treaty of amity and commerce with the United Provinces of the low countries; and the ballots being taken,

The honourable Henry Laurens, esquire, was elected.

A motion was made by Mr. [John] Mathews, seconded by Mr. [John] Fell,

That Mr. Laurens be allowed a salary at the rate of sterling in full for his services and expenses.

A motion was made by Mr. [Roger] Sherman, seconded by Mr. [Nathaniel] Peabody, to strike out, "in "full for his services and," and to insert, "over and "above his reasonable."

And on the question, Shall the words moved to be struck out, stand, the yeas and nays being required by Mr. [Gouverneur] Morris—

New Hampshire,			*Pennsylvania,*		
Mr. Peabody,	no	no	Mr. Searle,	no	no
Langdon,	no		Muhlenberg,	no	
Massachusetts Bay,			Wynkoop,	ay	
Mr. Lovell,	no	no	*Maryland,*		
Holten,	no		Mr. Plater,	ay	ay
Partridge,	no		Forbes,	ay	
Rhode Island,			*Virginia,*		
Mr. Marchant,	ay	ay	Mr. Griffin,	ay	*
Connecticut,			*North Carolina,*		
Mr. Sherman,	no	ay	Mr. Harnett,	ay	ay
Huntington,	ay		Sharpe,	ay	
Root,	ay		*South Carolina,*		
New York,			Mr. Mathews,		ay
Mr. Morris,	ay	ay			
Lewis,	ay				
New Jersey,					
Mr. Witherspoon,	no	no			
Scudder,	no				
Fell,	ay				
Houston,	no				

So it was resolved in the affirmative.

A motion was made by Mr. [John] Mathews, seconded by Mr. [John] Fell,

That the blank be filled with the words "fifteen "hundred."

On the question to agree to this, the yeas and nays being required by Mr. [Gouverneur] Morris—

New Hampshire,			*Pennsylvania,*		
Mr. Peabody,	no	div.	Mr. Searle,	ay	ay
Langdon,	ay		Muhlenberg,	ay	
Massachusetts Bay,			Wynkoop,	ay	
Mr. Lovell,	ay	ay	*Maryland,*		
Holten,	ay		Mr. Plater,	no	no
Partridge,	ay		Forbes,	no	
Rhode Island,			*Virginia,*		
Mr. Marchant,	ay	ay	Mr. Griffin,	ay	*
Connecticut,			*North Carolina,*		
Mr. Sherman,	ay	ay	Mr. Harnett,	ay	ay
Huntington,	ay		Sharpe,	ay	
Root,	ay		*South Carolina,*		
New York,			Mr. Mathews,	ay	ay
Mr. Morris,	no	no			
Lewis,	no				
New Jersey,					
Mr. Witherspoon,	ay	ay			
Scudder,	ay				
Fell,	ay				
Houston,	ay				

So it was resolved in the affirmative.

And on the question,

Resolved, That Mr. Laurens be allowed a salary at the rate of fifteen hundred pounds sterling per annum in full for his services and expenses.

On motion of Mr. [John] Mathews, seconded by Mr. [Gouverneur] Morris,

Resolved, That the marine committee be directed to make like provision for the passage of Mr. Laurens to Europe, as was directed to be made for Messrs. Jay and Adams.

A motion was made by Mr. [Gouverneur] Morris, seconded by Mr. [Cyrus] Griffin,

That, whenever by the death of any minister of the United States, his secretary shall exercise the office of chargé des affaires, or resident, such secretary be allowed at and after the rate of fifteen hundred pounds sterling per annum, in full for his services and expenses.

On which the previous question was moved by Mr. [Nathaniel] Scudder, seconded by Mr. [Samuel] Holten; and on the question to agree to the previous question, the yeas and nays being required by Mr. [Gouverneur] Morris—

New Hampshire,		
Mr. Peabody,	ay	ay
Langdon,	ay	
Massachusetts Bay,		
Mr. Lovell,	no	ay
Holten,	ay	
Partridge,	ay	
Connecticut,		
Mr. Sherman,	ay	ay
Huntington,	ay	
Root,	ay	
New York,		
Mr. Morris,	no	div.
Lewis,	ay	
New Jersey,		
Mr. Witherspoon,	ay	ay
Scudder,	ay	
Fell,	ay	
Houston,	ay	
Pennsylvania,		
Mr. Searle,	ay	ay
Muhlenberg,	ay	
Wynkoop,	ay	
Maryland,		
Mr. Plater,	ay	div.
Forbes,	no	
North Carolina,		
Mr. Harnett,	ay	div.
Sharpe,	no	
South Carolina,		
Mr. Mathews,		ay

So it was resolved in the affirmative, and the main question was set aside.

On motion of Mr. [Nathaniel] Scudder, seconded by Mr. [Woodbury] Langdon,

Resolved, That Mr. Laurens be authorized to employ a proper secretary upon the most reasonable terms, not exceeding the sum of three hundred pounds sterling per annum, the same being allowed to his credit.

The committee appointed to prepare a commission for the commissioner appointed to negotiate a treaty of amity and commerce with the United Provinces of the low countries, brought in a draft, which was agreed to as follows:

The United States of America in Congress assembled, to all who shall see these presents, send greeting:

Whereas an intercourse between the citizens of the United Provinces of the low countries and the citizens of these United States, founded on the principles of equality and reciprocity, may be of mutual advantage to both nations:

KNOW YE, THEREFORE, That we, confiding in the integrity, prudence and ability of the Honourable Henry Laurens, Esquire, delegate from the State of South Carolina, and formerly President of Congress, have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint him the said Henry Laurens our commissioner, giving him full power, general and special, to act in that quality, to confer, treat, agree and conclude with the person or persons vested with equal powers, by the States General, of the said United Provinces of and concerning a treaty of Amity and Commerce. And whatever shall be so agreed and concluded for us and in our names, to sign, and thereupon make such treaty, conventions, and agreements, as he shall judge conformable to the ends we have in view; hereby promising in good faith, that we will accept, ratify and execute whatever shall be agreed, concluded and signed by our said Commissioner.

In witness whereof we have caused these presents to be given in Congress at Philadelphia, the 1st Day of November,

in the year of our Lord, one thousand seven hundred and seventy nine, and in the fourth year of our Independance.[1]

Resolved, That the Commission which was agreed to on the 1st. of November, 1779, for the Honble Henry Laurens, as a Commission to negociate a Treaty of Amity and Commerce with the States General of the United Provinces of the Low Countries, be executed and delivered to him; and that the consideration of the Instructions relative to the Negociation of the Treaty be for the present deferred; and that Mr. Laurens, on his arrival in Holland, inform himself of the State of Affairs in that Country, and advise Congress particularly thereof, that they may be enabled to decide with more certainty upon the Terms on which such Treaty ought to be settled.[2]

Adjourned to 10 o'Clock to Morrow.

TUESDAY, NOVEMBER 2, 1779

Met and adjourned to 10 o'Clock to Morrow.

WEDNESDAY, NOVEMBER 3, 1779

Met and adjourned to 10 o'Clock to Morrow.

THURSDAY, NOVEMBER 4, 1779

A letter, of 29 October, 1779, from Governor Livingston, was read, enclosing an account of expences in carrying into execution the resolution of 9th July last:

Ordered, That the account be referred to the Board of Treasury.

[1] This commission, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 29, folio 305. The proceedings were entered only in the manuscript Secret Journal, Foreign Affairs.

[2] This undated motion is in the *Papers of the Continental Congress*, No. 36, IV, folio 249. It is in the writing of James Lovell, and the endorsement shows that it was seconded by Roger Sherman.

Resolved, That a letter be addressed by the President to his excellency Governor Livingston, expressing the satisfaction of Congress at his conduct in carrying into effect their resolution of the 9th July last.

A letter, of 1, from John Clark, one of the auditors of accounts in the main army, was read, requesting leave, on account of his weak state of health, to resign:[1]

Resolved, That his resignation be accepted, and that the letter be referred to the Board of Treasury.

A letter, of 30 October, from General P. Schuyler, was read, enclosing an act of the legislature of the State of New York, appointing commissioners to represent the said State in a treaty of pacification that may be had with any of the nations of Indians therein mentioned:[2]

Ordered, That the same be referred to the committee on the letter, of 17 October, from General Schuyler.

A letter, of 26 October, from Thadeus Benedict, was read,[3] respecting the conduct of Dr. Forster:

Ordered, That it be referred to the Commander in Chief, and that he be directed to cause such proceedings to be had thereon, as that the charges alluded to in it be speedily enquired into and justice done.

Ordered, That the Medical Committee transmit to the Commander in Chief the memorial of Thadeus Benedict and others, against Dr. Forster, and such other papers as they may have respecting that matter.

A letter, of 30 October, from General Washington, was read, with sundry papers enclosed.

A petition of John Emes, was read;[4] Whereupon,

[1] Livingston's letter is in the *Papers of the Continental Congress*, No. 68, folio 475; that of Clark, in No. 41, II, folio 258.

[2] Schuyler's letter is in the *Papers of the Continental Congress*, No. 153, III, folio 479; the enclosure, on folio 483.

[3] This letter is in the *Washington Papers*, No. 92, folio 312.

[4] Washington's letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 139; Emes's petition, dated November 1, is in No. 42, II, folio 388.

Congress took into consideration the proceedings of a court martial for the trial of John Emes, which was laid before them by the Marine Committee; and, thereupon,

Resolved, That that part of the sentence of the court martial which orders the said John Emes to be banished, be set aside, and that in consideration of his long confinement, the whole of the stripes ordered to be inflicted upon him be remitted; and that he, the said John, be discharged from his present imprisonment.

A letter, of 28 October, from Don Juan de Miralles, was read; also a letter, of 21 October, from Ebenezer Hazard.

Mr. [Francis] Lewis, a member of the Committee of Commerce, laid before Congress a letter, of 21 October last, from J. Bradford, which was read:[1]

Ordered, That a copy thereof be transmitted to the council of the State of Massachusetts bay.

The Chevalier de la Luzerne, having transmitted to Congress a copy of a letter of credence from his most Christian Majesty, the King of France, appointing him minister plenipotentiary to the United States; and also a copy of the speech he intends to make at his public audience:

Ordered, That the same be referred to a committee of three:

The members chosen, Mr. [Gouverneur] Morris, Mr. [John] Dickinson and Mr. [William Churchill] Houston.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. C[ornelius] Harnet, one of the delegates for the State of North Carolina, on his application, for four thousand dollars; for which the said State is to be accountable.[2]

[1] The letter of Miralles is in the *Papers of the Continental Congress*, No. 78, XV, folio 493; that of Hazard, in No. 61, folio 67; that of Bradford, in No. 78, III, folio 367.

[2] This paragraph formed a report, dated November 3, in the *Papers of the Continental Congress*, No. 136, III, folio 781.

That a warrant issue on the treasurer, in favour of Mr. J[ames] Forbes, one of the delegates of Maryland, on his application, for five thousand dollars; for which the said State is to be accountable.[1]

That a warrant issue on the treasurer, in favour of John Biddle, Isaac Snowden, Peter Thomson, Isaac Howell and Nathaniel Falconer, inspectors of the continental press, on their application, for three thousand dollars, each; for which they are to be respectively accountable.[2]

That a warrant issue on the treasurer, in favour of Mr. George Bond, clerk in the office of the secretary of Congress, on his application, for fifteen hundred dollars; for which he is to be accountable. And another in favour of John Levinus Clarkson, clerk to the Board of Treasury, for fifteen hundred dollars on account of his salary.[1]

The commissioners report,

That there is due to the Rev. Mr. Lotbinier, chaplain to Colonel Livingston's regiment, for his pay and subsistance, for the month of October last, two hundred and forty dollars.

That there is due to Francis Hopkinson, treasurer of loans, for his and his clerk's pay, office rent, stationery, &c. from the 27 July to the 27 October last, two thousand four hundred and eighty seven dollars.

That there is due to Colonel Lewis Nicola, for the pay and subsistance of the officers and privates of the invalid regiment under his command, for the month of September last, five thousand nine hundred and ninety six dollars and 56/90.[3]

Ordered, That the said accounts be paid.

Resolved, That a warrant issue on the treasurer, in favour of Thomas Lloyd, for four hundred dollars, in full of his account against the committee for superintending the printing of the journals of Congress.

[1] These two paragraphs formed a report, dated November 4, in the *Papers of the Continental Congress*, No. 136, III, folio 785.

[2] This paragraph formed a report, dated November 3, in the *Papers of the Continental Congress*, No. 136, III, folio 781.

[3] This report, dated November 1, is in the *Papers of the Continental Congress*, No. 136, III, folio 777.

The Committee to Superintend the Printing of the Journals, having imployed Thomas Lloyd to make an index to the 3d volume, and having examined his account, recommend that a warrant issue on the Treasurer in favor of Thomas Lloyd for 400 Dollars in full of his account against the Committee for superintending the Printing of the Journals of Congress.[1]

The committee, to whom was referred the memorial of W. Palfrey, pay master general, brought in a report, which was read:

Ordered, That the same be taken into consideration on Saturday next.

A petition of Robert Patton and W. Hurrie, was read:

Ordered, That it be referred to the delegates of Pensylvania to take order thereon.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, NOVEMBER 5, 1779

A letter, of 17 October last, from General Washington, was read, enclosing an application in favour of Captain Lieutenant John Van Dyke for a furlough, in order to make a voyage for the recovery of his health:

Ordered, That the same be referred to the Board of War.

A letter, of 4, from Doctor Forster, was read, requesting that a court of enquiry may be appointed to examine into his conduct:[2]

Ordered, That it be transmitted to the Commander in Chief.

[1] This undated report, in the writing of James Lovell, is in the *Papers of the Continental Congress*, No. 23, folio 45.

[2] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VIII, folio 117; the application is on folio 121; the Forster letter is in the *Washington Papers*, 92, folio 311.

A letter, of 27 October, from General Gates, was read, informing that the island of Rhode island was evacuated by the enemy's troops on the night of the 25th:

Ordered, That so much thereof as relates to the evacuation be referred to the Committee of Intelligence:

Ordered, That so much thereof as relates to cloathing and stores be referred to the Board of War.

A report from the commissioners of claims was read: Whereupon,

Ordered, That twelve thousand dollars be advanced to David C. Claypole, printer to Congress; for which sum he is to be accountable.

That two hundred dollars be advanced to Steiner and Cist, printers, on account.

Ordered, That the residue [of the] report be referred to the committee appointed to superintend the printing the journal.[1]

Resolved, That on Tuesday next immediately after reading the journals, Congress proceed to the election of officers for the different offices of the Treasury, and a commissioner for the Board of War, and that no other business be taken up without unanimous consent, until the elections are made.

The following gentlemen were put in nomination:

For treasurer, Mr. Hillegas, by Mr. [Elbridge] Gerry.

For assistant auditor general, Mr. Nourse, by Mr. [Elbridge] Gerry.

For the two chambers of accounts: Mr. James Milligan, Mr. William Govett, Mr. Resolve Smith, Mr. William Geddes, Mr. John D. Mercier, Mr. Eleazer McComb, Mr. John Welles, by Mr. [Elbridge] Gerry; Mr. Nathaniel Mumford, by Mr. [Henry] Marchant.

For commissioner of the Board of Treasury, Mr. Christopher Ellery, by Mr. [Henry] Marchant.

[1] This report is printed in the Bibliographical Notes, 1779, p. 1460, *post.*

For secretary of the Board of Treasury, Mr. Robert Troup, by Mr. [Elbridge] Gerry.

For clerks of the chambers of accounts, Mr. John Nicholson, and Mr. William Ramsay, the clerks of the present commissioners, by Mr. [Elbridge] Gerry.

For auditors of the army, Mr. Johnson, Mr. Felix Harley, Mr. Joseph Howell, Mr. Bedlow and Mr. Alexander Fowler, by Mr. [Elbridge] Gerry.

Resolved, That a member be added to the present Committee on the Treasury, in the room of Mr. [Joseph] Hewes, whose health will not admit his attendance:

The member chosen, Mr. [William] Sharpe.

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [Gouverneur] Morris,

Resolved, That a committee of three be appointed to report a plan for an executive board to superintend officers of these United States, to enquire into their conduct respectively, to order tryal, when necessary, of such as may be delinquent, or try them when not amenable to other authority under Congress, and to execute such other matter as they may direct.

The members chosen, Mr. [Thomas] McKean, Mr. [Elbridge] Gerry, and Mr. [John] Mathews.

Resolved, That two members be added to the committee appointed to superintend the departments of the quarter master and commissary general:

The members chosen, Mr. [Jacob] Wynkoop and Mr. [James] Forbes.

A motion was made by Mr. [John] Mathews, seconded by Mr. [Elbridge] Gerry, to reconsider the resolution of the 1st instant, authorizing Mr. Laurens to employ a secretary, so far as to alter the salary from three hundred to a sum not exceeding five hundred pounds sterling.

On the question, Shall the resolution be reconsidered, the yeas and nays being required by Mr. [Gouverneur] Morris,

New Hampshire,			*Pennsylvania,*		
Mr. Peabody,	ay	ay	Mr. Muhlenberg,	ay	ay
Langdon,	ay		Wynkoop,	ay	
Massachusetts Bay,			*Maryland,*		
Mr. Gerry,	ay	ay	Mr. Plater,	no	no
Holten,	ay		Forbes,	no	
Rhode Island,			*North Carolina,*		
Mr. Marchant,	ay	ay	Mr. Harnett,	no	div.
New York,			Sharpe	ay	
Mr. Morris,	no	no	*South Carolina,*		
Lewis,	no		Mr. Mathews,	ay	ay
New Jersey,					
Mr. Scudder,	ay	no			
Fell,	no				
Houston,	no				

So it was resolved in the affirmative.

On motion of Mr. [John] Mathews, seconded by Mr. [Samuel] Holten, the word "three" was struck out.

A motion was then made by Mr. [John] Mathews, seconded by Mr. [Samuel] Holten, that the word "five" be inserted.

When the question was about to be put, the determination thereof was postponed by the state of New York.[1]

Adjourned to 10 oClock to Morrow.

SATURDAY, NOVEMBER 6, 1779

The Committee on the Treasury brought in a report; Whereupon,

~~Ordered, That a warrant issue on the treasurer, in favour of Mr. Laurens, for fifty two thousand two hun-~~

[1] These proceedings were entered only in the manuscript Secret Journal, Foreign Affairs.

~~dred and eighty four dollars, in full of his household expences for thirteen months, being the time of his acting as President of Congress.~~

That a warrant issue on the treasurer, in favour of his Excellency W. Livingston, Esq. governor of New Jersey, for eighty one dollars and 45/90, in full for a like sum advanced by him for the United States.

That a warrant issue on the treasurer, in favour of Messrs. James and Drinker, for seven hundred and sixty seven dollars and 22½/90, in discharge of a bill for that sum drawn the 19th of June, 1777, by Richard Caswell, governor of the State of North Carolina, on the continental treasurer, in favour of Richard Ellis, Esq. for horses, carriages and other necessaries which he furnished General Derford (du Portail); who is to be charged with the said sum.

That another warrant issue on the treasurer, in favour of Messrs. James and Drinker for the amount of three sets of exchange drawn by John Ashe Esq. treasurer of the State of North Carolina, on the continental treasurer; one set, dated May 9th, 1777, in favour of Isaac Rolston; another of the same date, and a third set of the 10th May, 1777, in favour of Hardy Murfree, for two hundred and fifty dollars each, making in the whole seven hundred and fifty dollars; for which the said State of North Carolina is to be accountable.

That a warrant issue on the treasurer, in favour of Thomas Williams, for two hundred and fifty dollars, in discharge of a bill drawn the 10 May, 1777, on the continental treasurer, in favour of Manlove Tarrant by John Ashe, Esq. treasurer of the State of North Carolina; for which sum the said State is to be accountable.

The Board further beg leave to report:

Postponed

That each of the Commissioners of the Board of War not Members of Congress be allowed 14.000 dollars p^{r} annum. And each of the Commissioners of the Navy Board, 12.000 dollars p^{r} annum.

The Secretary to the Board of War, 10.000 dollars, each of the clerks Agreed to Nov. 11 in the Offices of the Board of War and Secretary of Congress, 7000 per annum.

That the Salaries aforesaid be annually or oftener as Congress shall Agreed to Nov 11th judge it expedient revised and altered according to the appreciation of the Continental Currency.

That a Committee be appointed to report a proper allowance for the Officers of the Treasury, Board of War, Marine, and Commercial Committees, and Secretary of Congress from the last adjustment of their accounts respectively.[1]

Resolved, That so much of the report as relates to a warrant in favour of the pay master of the Board of War and Ordnance, and a warrant in favour of the State of Rhode island be re-committed.[2]

Resolved, That the remainder of the report be postponed.

Another report from the Board of Treasury, was read:

TREASURY OFFICE, *November 5, 1779, P. M.*

The Committee on the Treasury beg leave to report sundry recommendations to the several States for facilitating the payment of their respective quotas of Taxes

Whereas information is sent to the several states that the money which Congress are at liberty to emit will be probably expended in the beginning of December next, that subsequent supplies must be furnished by the States, and that warrants will be issued on their respective Treasurers for their quotas to be paid on the first of January next, and whereas the subsistence of the army will principally depend on the punctual payment of such warrants, or on a proper negotiation thereof:

Resolved That it be earnestly recommended to the several States to direct that a sufficient number of orders, with proper checks and a margin for indenting, be forthwith struck and lodged with their respective Treasurers, agreeable to the following form:

"N°— day of ——— 177—

"SIR

"For value received pay to ——— or his order the sum of ——

"Dollars at the end of four months, with interest at the rate of 6 per

[1] This report, dated November 4, is in the *Papers of the Continental Congress*, No. 136, III, folio 789.

[2] Such paragraphs are not in the manuscript report.

"cent per annum, from the date hereof, to discharge in part a warrant "drawn on you the —— Day of ——— 177— by order of Congress in "favor of ———

"To —— Treasurer of the State of ———

"Accepted by ——— Treasurer aforesaid"

to be signed and negotiated by the persons respectively who are to receive the payment of the warrants as hereafter directed.

That it be also recommended to each State to instruct their Treasurer, when unable to discharge any warrant drawn on him by Congress for Continental Taxes, to deliver at the request of the person presenting it, as many of the said orders as may enable him to draw on the said Treasurer for the amount of the warrant, or for such part thereof as he is unable to discharge.

That previous to the delivery of such orders, the respective Treasurers sign the acceptance of and indent them, preserve the checks, insert the sums, and fill up the other blanks, agreeable to the instructions of the Board of Treasury

That no order be drawn for a less sum than —— dollars

That it be also recommended to the said States, to instruct their respective Collectors of Taxes, when they have public money, to pay it for such orders, and to receive them for Continental Taxes allowing the interest arising thereon.

That it be further recommended to the said States, to direct their respective Treasurers, when any of the said orders are due, to discharge them with the strictest punctuality

That the amount of the orders which may be paid on warrants as aforesaid be indorsed thereon, and passed to the credit of the States from the dates of the said orders respectively, and that they be finally adjusted as other sums paid into the Continental Treasury, or to the order of Congress, agreeable to their several Resolutions of the 6th and 7th of October last relative to Finance.[1]

Ordered, That the same be taken into consideration on Monday next.

The Board of War, to whom was referred a letter of General Washington, with the application in favour of Captain Lieutenant Van Dyke, brought in a report; Whereupon,

[1] This report is in the *Papers of the Continental Congress*, No. 136, III, folio 793. It is endorsed: "Consideration assigned to Monday next. Debated November 11. Referred to Morris, Root and Forbes. Referred to Committee of the Whole."

Resolved, That Captain Lieutenant Van Dyke, of the artillery, have leave of absence for eight months; that agreeably to his intentions he may take a voyage to sea, this being judged necessary for the recovery of his health, as appears by certificates produced to Congress.[1]

The committee, to whom were referred the letter of credence and speech of the Minister Plenipotentiary of France, brought in a draught of an answer, which was read.

On the question to agree to the motion, the determination of which was yesterday postponed, the yeas and nays being required by Mr. [Gouverneur] Morris:

New Hampshire,			*Pennsylvania*,		
Mr. Peabody,	ay	ay	Mr. Searle,	ay	ay
Massachusetts Bay,			Muhlenberg,	ay	
Mr. Gerry,	ay		*Maryland*,		
Holten,	ay	ay	Mr. Plater,	no	no
Partridge,	ay		Forbes,	no	
Rhode Island,			*North Carolina*,		
Mr. Marchant,	ay	ay	Mr. Harnett,	no	div.
New York,			Sharpe,	ay	
Mr. Morris,	no	no	*South Carolina*,		
Lewis,	no		Mr. Mathews,	ay	ay
New Jersey,					
Mr. Scudder,	ay				
Fell,	no	no			
Houston,	no				

So it was resolved that the blank be filled up with the word "five."

The resolution being amended to read,

That Mr. Laurens be authorized to employ a proper secretary upon the most reasonable terms not exceeding the sum of five hundred pounds sterling per annum, the same to be allowed to his credit.

~~A motion was made by Mr. [Gouverneur] Morris, seconded by Mr. [James] Forbes, to strike out the~~

[1] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 569.

~~words "Mr. Laurens be authorized to employ," and after the word "secretary" to insert "to Mr. Laurens be appointed by Congress"~~

~~On the question shall the words moved to be struck out stand,~~[1]

On motion of Mr. [Gouverneur] Morris, seconded by Mr. [Elbridge] Gerry,

Resolved, That the words "the same be allowed to his credit," be struck out.

On the question to agree to the resolution as amended, the yeas and nays being required by Mr. [Gouverneur] Morris—

New Hampshire,			*Pennsylvania*,		
Mr. Peabody,	ay	ay	Mr. Searle,	ay	ay
Langdon,	ay		Muhlenberg,	ay	
Massachusetts Bay,			*Maryland*,		
Mr. Gerry,	ay	ay	Mr. Plater,	no	no
Holten,	ay		Forbes,	no	
Partridge,	ay		*North Carolina*,		
Rhode Island,			Mr. Harnett,	no	div.
Mr. Marchant,	ay	ay	Sharpe,	ay	
New York,			*South Carolina*,		
Mr. Morris,	no	no	Mr. Mathews,	ay	ay
Lewis,	no				
New Jersey,					
Mr. Scudder,	ay	ay			
Fell,	no				
Houston,	ay				

So it was

Resolved, That Mr. Laurens be authorized to employ a proper secretary upon the most reasonable terms, not exceeding the sum of five hundred pounds sterling per annum.[2]

Adjourned to 10 o'Clock on Monday.

[1] An unfinished entry.

[2] These proceedings were entered only in the manuscript Secret Journal, Foreign Affairs.

MONDAY, NOVEMBER 8, 1779

A letter, of 2, from General Washington, was read.

A letter, of 22 October, from the president of the council of Massachusetts bay, was read:

Ordered, That a copy thereof be transmitted to the Commander in Chief, and that he take order thereon.

A letter, of October 25, from the president of New hampshire, was read:[1]

A letter, of 26, from Colonel Brodhead, at Pittsburgh, was read, informing that some of the inhabitants from Yoghiagania and Ohio counties had crossed the Ohio and made small improvements on the Indians' land from the river Muskingum to Fort M'Intosh, and 30 miles up the branches of the Ohio river; and that he had ordered the trespassers to be apprehended and the huts to be destroyed:

Ordered, That a letter be written to the governor of Virginia, enclosing a copy of Colonel Brodhead's letter, and requesting his excellency to endeavour to prevent a repetition of the trespasses mentioned in it.

A letter, of 25 October, from J. Bradford, was read:

Ordered, That it be referred to the Marine Committee to take order.

A letter, of this day, from Henry Emanuel Lutterlogh, was read, enclosing a plan of public magazines.[2]

Ordered, That the same be referred to the Board of War.

On motion of Mr. [John] Mathews, seconded by Mr. [Gouverneur] Morris,

Resolved, That the late and former presidents of Congress, be desired to lodge, as soon as they conveniently can, in the

[1] Washington's letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 155; that of Massachusetts Council, in No. 65, II, folio 13; that from New Hampshire, in No. 64, folio 90.

[2] The letter of Brodhead is in the *Papers of the Continental Congress*, No. 78, III, folio 383; that of Lutterlogh, in No. 78, XIV, folio 291.

secretary's office, copies of all public letters by them respectively written during their presidentships.

On motion of Mr. [Henry] Laurens, seconded by Mr. [Nathaniel] Peabody,

Resolved, That a committee appointed to prepare instructions to the person appointed to negotiate a loan in the United Provinces of the Low Countries, be instructed to prepare the form of a letter to the ministers plenipotentiary to the courts of Versailles and Madrid, directing them to inform his most Christian Majesty and his Catholick Majesty of the appointment of Mr. Laurens for negotiating a loan in the United Provinces of the Low Countries, and to solicit the aid of their Majesties on that occasion.

The Chevalier de la Luzerne, Minister Plenipotentiary of France, having on the 4th transmitted to Congress a copy of the letter of credence from his most Christian Majesty, and of the speech he intends to make at his publick audience, the same were referred to Mr. [Gouverneur] Morris, Mr. [John] Dickinson and Mr. [William Churchill] Houston, who, on the 6th, reported the draft of an answer, which was this day taken into consideration.

And on debating this clause, "His most Christian "Majesty, by patronising the liberty and independence "of America, justly acquired the name of protector of "the rights of mankind"—

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [George] Partridge, to strike out the words "by "patronising the liberty and independence of America," and in lieu thereof to insert "has;" and on the question, Shall the words moved to be struck out, stand, the yeas and nays being required by Mr. [Elbridge] Gerry—

New Hampshire,			*Delaware,*		
Mr. Peabody,	no	div.	Mr. M'Kean,	ay	ay
Langdon,	ay		*Maryland,*		
Massachusetts Bay,			Mr. Plater,	ay	ay
Mr. Gerry,	no	no	Forbes,	ay	
Partridge,	no		*Virginia,*		
Rhode Island,			Mr. Griffin,	ay	*
Mr. Marchant,	ay	ay	*North Carolina,*		
New York,			Mr. Harnett,	ay	*
Mr. Morris,	ay	ay	*South Carolina,*		
Lewis,	ay		Mr. Mathews,	ay	ay
New Jersey,					
Mr. Scudder,	no	div.			
Houston,	ay				
Pennsylvania,					
Mr. Atlee,	ay	ay			
Muhlenberg,	ay				
Wynkoop,	ay				

So it was resolved in the affirmative.

The answer, being debated by paragraphs, was agreed to.[1]

Adjourned to 10 o'Clock to Morrow.

TUESDAY, NOVEMBER 9, 1779

According to order, Congress proceeded to the election of officers for the Board of Treasury, agreeably to the ordinance for establishing that Board; and the ballots being taken, the following gentlemen were chosen:

Mr. Ezekiel Foreman, Mr. Jonathan Trumbull, jun., commissioners of the Board of Treasury.

Mr. Michael Hillegas, treasurer.

Mr. James Milligan, auditor general.

Mr. Joseph Nourse, assistant auditor.

Mr. Robert Troup, secretary of the Board of Treasury.

[1] These proceedings were entered only in the manuscript Secret Journal, Foreign Affairs.

Mr. William Govett, Mr. Resolve Smith, Mr. William Geddes, Mr. John D. Mercier, Mr. Eleazer M'Comb, Mr. Nathaniel Mumford, commissioners of the chambers of accounts.

Mr. John Nicholson, Mr. William Ramsay, clerks of the chambers of accounts.

Mr. James Johnson, Mr. Joseph Howell, Mr. Bedlow, Mr. Felix Varley, Mr. Alexander Fowler, auditors of the army.

Congress proceeded to the election of two members for the Board of Treasury; and, the ballots being taken, Mr. [William Churchill] Houston and Mr. [William] Sharpe were chosen.

Colonel W. Davis was put in nomination by Mr. [William Churchill] Houston, to be elected commissioner of the Board of War.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, NOVEMBER 10, 1779

Congress being informed that Mr. J[oseph] Hewes, one of the delegates for the state of North Carolina, died this morning, and that it is proposed to inter him to-morrow evening:

Resolved, That Congress will, in a body, attend the funeral to-morrow evening, at three o'clock, with a crape round the left arm, and will continue in mourning for the space of one month:

Resolved, That Mr. [Cornelius] Harnett, Mr. [William] Sharpe, and Mr. [Cyrus] Griffin, be a committee to superintend the funeral, and that the Rev. Mr. White, the attending chaplain, be notified to officiate on the occasion.

Ordered, That the said committee be directed to invite the general assembly and the president and supreme executive council of Pensylvania, the Minister Plenipotentiary of

France, and other persons of distinction, now in town, to attend the funeral.

A letter, of 22 of October, from Major General Lincoln, and another, of the same day, from him to the committee appointed to correspond with the commanding officer of the southern department, and enclosing extracts of his journal from the 3d of September to 21 October, were read:[1]

Ordered, That copies of the same be transmitted to the Commander in Chief, and that Major Clarkson, who brought the dispatches be employed to carry them forward to the General:

Ordered, That the said letters be referred to the Committee of Intelligence:

Ordered, That the said letters and intelligence be referred to the committee appointed to correspond with the commanding officer in the southern department.

Resolved, That a member be added to the said committee in the room of Mr. [Henry] Laurens, who is absent:

The member chosen, Mr. [John] Mathews.

A motion was made by Mr. [John] Mathews, seconded by Mr. [Cornelius] Harnett, that three of the frigates now at Boston be ordered by the Marine Committee to proceed immediately for Charleston, South Carolina, there to be under the direction of the commanding officer for the time being, in the southern department, until further orders:[2]

On the question to agree to this motion, the yeas and nays being required by Mr. [Elbridge] Gerry,

[1] The first Lincoln letter is in the *Papers of the Continental Congress*, No. 158, folio 279.

[2] This motion, in the writing of John Mathews and Samuel Huntington, is in the *Papers of the Continental Congress*, No. 19, I, folio 27.

New Hampshire,		*Pennsylvania,*	
Mr. Peabody,	ay } ay	Mr. Atlee,	ay
Massachusetts Bay,		Muhlenberg,	ay } ay
Mr. Gerry,	no	Wynkoop,	ay
Lovell,	ay } div.	*Delaware,*	
Rhode Island,		Mr. M'Kean,	ay } ay
Mr. Marchant,	ay } ay	*Maryland,*	
Connecticut,		Mr. Plater,	ay
Mr. Huntington,	ay	Forbes,	no } div.
Root,	ay } ay	*Virginia,*	
New York,		Mr. Griffin,	ay } *
Mr. Lewis,	ay } *	*North Carolina,*	
New Jersey,		Mr. Harnett,	ay
Mr. Scudder,	ay	Sharpe,	ay } ay
Houston,	ay } ay	*South Carolina,*	
		Mr. Mathews,	ay } ay

So it was resolved in the affirmative.

A letter, of 2d, from the governor of Connecticut, was read:[1]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [William Churchill] Houston, Mr. [Thomas] McKean, and Mr. [John] Mathews.

A letter, of 24 October, from the governor of Virginia, was read.

A copy of the proceedings of a convention of committees from the five eastern states, met at Hartford for the regulation of prices, and

A letter, of 15 October, from the general assembly of New York, were read:[2]

Ordered, That they be referred to the committee on the representation from the legislature of the State of New Jersey.

Resolved, That Mr. [Cyrus] Griffin, member for the State of Virginia, be added to that committee, in the room of Mr. [James] Mercer.

[1] This letter is in the *Papers of the Continental Congress,* No. 66, II, folio 33.

[2] The Virginia letter is in the *Papers of the Continental Congress,* No. 71, I, folio 279; that of New York, in No. 67, II, folio 218. The proceedings of the convention at Hartford are in No. 33, folio 369.

A letter, of 10, from Arch. Blair, was read: [1]

Ordered, That it be referred to the Board of War.

A memorial from John Clarke, late auditor of accounts, was read:

Ordered, That it be referred to the Board of Treasury.

The Board of Treasury, to whom was referred a Memorial of Major Clark, of the 10th November last, beg leave to report:

That Major John Clark, Jun. late Auditor of the Army, be allowed the sum of Dollars, in full for the Losses he sustained in that Department by the Purchase of a Waggon the Use thereof, and for other Considerations stated in his Memorial.[2]

A letter, of 1, from the governor of New York, was read.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. R[oger] Sherman, one of the delegates of the State of Connecticut, on his application, for three thousand dollars; for which the said State is to be accountable.[3]

Colonel Grayson was put in nomination, as a commissioner of the Board of War, by Mr. [William] Sharpe.

Resolved, That the Committee on the Treasury continue in the exercise of the duties formerly enjoined them, until a Board, on the new establishment, be formed and ready to proceed to business.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, NOVEMBER 11, 1779

The committee, appointed to correspond with the commanding officer in the southern department, and to whom were referred the letters of 22 October last, from Major General Lincoln, brought in a report; Whereupon,

[1] This letter is in the *Papers of the Continental Congress*, No. 78, III, folio 359.

[2] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 41, II, folio 280.

[3] This report, dated November 8, is in the *Papers of the Continental Congress*, No. 136, III, folio 805.

That in their opinion, the present distressed situation of the states of South Carolina and Georgia, and the still more imminent danger they must consequently be exposed to, should a reinforcement be sent by the enemy to those countries, and which their present movements at New York strongly indicate, calls loudly on Congress to use every means in their power, to prevent if possible, the loss of those states; Therefore,

Resolved, That General Washington be immediately applyed to, to send forward to the State of South Carolina the whole of the North Carolina Brigade and all the Virginia troops now at Headquarters, if the latter can possibly be spared without endangering the safety of his army; but if the whole cannot be spared, then as many of them as can.

Postponed.

Resolved, That General Washington order the North Carolina troops, and such others as may be conveniently spared from his army, to reinforce General Lincoln without delay.

Resolved, That the states of South Carolina and Georgia be assured of the attention of Congress to their preservation, and be requested to make those exertions in their own defence recommended by the resolutions of Congress, of the 9 and 29th March last, for filling up the continental army, and to provide that the militia of the said states, when called into service, shall be subject to the continental articles of war, in like manner with the militia of other states.[1]

Resolved, That the governors of Virginia and North Carolina be again requested to use their utmost exertions to have the whole of the troops ordered from their respective states, sent forward without loss of time to join General Lincoln's army, and that the troops be ordered away as they can, from time to time, be collected.

Resolved, That General Lincoln be directed to cause a court of enquiry to be held on Brigadier General Scott, for disobedience of the orders of Congress of 27 July last.

[1] These two paragraphs were amendments to the original report, and, in the writing of Gouverneur Morris, are in the *Papers of the Continental Congress*, No. 19, III, folio 573.

Resolved, That a deputy quarter master general in Philadelphia be ordered to procure a proper vessel, and immediately to transport the military stores ordered and now in readiness for the State of South Carolina.[1]

Congress took into consideration the report of the Committee on the Treasury, which was assigned for Monday last and after debate,

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Gouverneur] Morris, Mr. [Jesse] Root and Mr. [James] Forbes.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, NOVEMBER 12, 1779

A certificate under the hand and seal of Governor Caswell, that George Cavey, late master of the flag sent with the British Commissioners' manifesto and made prisoner, is permitted to repair on parole, to the city of New York, to obtain the exchange of an American prisoner of equal rank, or return to his captivity in a limited time, was read:

Ordered, That it be referred to the Board of War, to take order.

A letter, of this day, from W. Palfrey, paymaster general, being read:[2]

Congress took into consideration the report of the committee on the memorial of Colonel W. Palfrey.

The first resolution reported by the committee being read:

"That W. Palfrey, for the extra services he has at various times performed by order of Congress, be allowed the sum of fifteen thousand dollars."

[1] This report, in the writing of John Mathews, is in the *Papers of the Continental Congress,* No. 19, III, folio 571.

[2] This letter is in the *Papers of the Continental Congress,* No. 165, folio 517.

On motion of Mr. [Jesse] Root, seconded by Mr. [Nathaniel] Peabody, the report was amended to read:

"That W. Palfrey, pay master general, as a further compensation for his past services, be allowed the sum of thousand dollars:"

A motion was made by Mr. [John] Fell, seconded by Mr. [Jesse] Root, to fill the blank with "twenty-five:"

On which the yeas and nays being required by Mr. [James] Forbes,

New Hampshire,			*Pennsylvania,*		
Mr. Peabody,	ay	div.	Mr. Atlee,	no	
Langdon,	no		Muhlenberg,	no	no
Massachusetts Bay,			Wynkoop,	ay	
Mr. Gerry,	ay		*Delaware,*		
Lovell,	ay	ay	Mr. Dickinson,	ay	ay
Holten,	ay		M'Kean,	ay	
Rhode Island,			*Maryland,*		
Mr. Marchant,	no	no	Mr. Plater,	no	no
Connecticut,			Forbes,	no	
Mr. Huntington,	no		*North Carolina,*		
Sherman,	no	no	Mr. Harnett,	ay	ay
Root,	ay		Sharpe,	ay	
New York,			*South Carolina,*		
Mr. Morris,	no	div.	Mr. Mathews,	no	no
Lewis,	ay				
New Jersey,					
Mr. Scudder,	ay				
Fell,	ay	ay			
Houston,	no				

So it passed in the negative.

A motion was then made by Mr. [Gouverneur] Morris, seconded by Mr. [Cornelius] Harnett, that the blank be filled with "twenty."

On which the yeas and nays being required by Mr. [James] Forbes,

New Hampshire,		
Mr. Peabody,	ay	div.
Langdon,	no	
Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	ay	
Holten,	ay	
Rhode Island,		
Mr. Marchant,	no	no
Connecticut,		
Mr. Huntington,	ay	ay
~~Sherman~~,	~~no~~	
Root,	ay	
New York,		
Mr. Morris,	ay	ay
Lewis,	ay	
New Jersey,		
Mr. Scudder,	ay	ay
Fell,	ay	
Houston,	no	
Pennsylvania,		
Mr. Atlee,	ay	ay
Muhlenberg,	no	
Wynkoop,	ay	
Delaware,		
Mr. Dickinson,	ay	ay
M'Kean,	ay	
Maryland,		
Mr. Plater,	ay	div.
Forbes,	no	
North Carolina,		
Mr. Harnett,	ay	ay
Sharpe,	ay	
South Carolina,		
Mr. Mathews,	no	no

So it was resolved that William Palfrey, Esq. pay master general, as a further compensation for his past services, be allowed the sum of 20,000 dollars.

Resolved, That until the further order of Congress, the pay master general to the armies of the United States, be allowed at the rate of fourteen thousand dollars per annum:[1]

That so much of the memorial of Colonel Palfrey, of the 29 September last, as relates to the deputy pay masters general, be referred to the Board of Treasury.

The Committee on the Treasury brought in a report, Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. Henry Laurens, for thirty five thousand dollars in

[1] This report, in the writing of John Mathews, is in the *Papers of the Continental Congress,* No. 19, V, folio 9. A last paragraph refusing to accept his resignation is not entered on the Journals.

full of his household expences for thirteen months, being the time of his acting as President of Congress.[1]

That a warrant issue in favour of Joseph Carleton, Esq. paymaster to the Board of War and Ordnance, on their application on Nicholas Gilman, Esq. commissioner of the continental loan office for the State of New Hampshire, for one hundred thousand dollars; another warrant on Nathaniel Appleton, Esq. commissioner of the continental loan office for the State of Massachusetts bay, for three hundred thousand dollars; another warrant on Joseph Clarke, Esq. commissioner of the continental loan office in the State of Rhode Island and Providence plantations, for two hundred thousand dollars. Another warrant on Derick Ten Broeck, Esq. late commissioner of the continental loan office, for the State of New York, for one hundred and forty nine thousand seven hundred and eighty four dollars, or on his successor in office, if he has received of Mr. Ten Broeck the said sum, it being the ballance drawn by him more than were necessary for exchanging bills of the emissions of May 20, 1777 and April 11, 1778; and

Another warrant on Michael Hillegas, Esq. treasurer, for two hundred and fifty thousand two hundred and sixteen dollars; for all which sums amounting to one million dollars, the said Joseph Carleton, Esq. is to be accountable.

That on the application of Mr. H[enry] Marchant, one of the delegates for the State of Rhode Island, a warrant issue on Joseph Clarke, Esq. treasurer of the said State, for three hundred thousand dollars, in favour of the same State and to the order of the legislature thereof, (payable out of their quota of the continental tax), for which the said State of Rhode island &c. is to be accountable.[2]

[1] This report is in the *Papers of the Continental Congress*, No. 136, III, folio 797. The preamble states that the sum allowed by Congress had been reduced, agreeably to Laurens's request.

[2] This report, dated November 8, is in the *Papers of the Continental Congress*, No. 136, III, folio 801. The last paragraph was a revised opinion of the committee on that part of their report of November 5 recommitted to them.

That a warrant issue on the treasurer, in favour of Major General Greene, quarter master general, on the application of Charles Pettit, Esq. one of his assistants, for three million dollars, for the use of the said department, for which Major General Greene is to be accountable, the warrant to be made payable to the said Charles Pettit.

Congress resumed the consideration of the report of the Board of Treasury, which was postponed on the 6th instant; and, thereupon,

Resolved, That each of the commissioners of the Board of War, not members of Congress, be allowed 14,000 dollars per annum, and each of the commissioners of the navy board, 12,000 dollars per annum; the secretary to the Board of War, 10,000 dollars; and each of the clerks in the offices of the secretary of Congress and of the Board of war, 7000 dollars per annum.

Resolved, That the salaries aforesaid be annually or oftener, as Congress shall judge it expedient, revised and altered according to the appreciation of the continental currency.

Resolved, That a committee of three be appointed to report a proper allowance for the officers of the Treasury, Board of War, Marine and Commercial Committees, and Secretary of Congress from the last adjustment of their accounts, respectively:

The members chosen, Mr. [Cornelius] Harnett, Mr. [Elbridge] Gerry, and Mr. [Thomas] McKean.

The Board of War brought in a report; Whereupon,

Resolved, That regimental pay masters, not being of the rank of captains, quarter masters and adjutants, be entitled to receive the same subsistence money as is allowed to captains by the act of Congress of the 18th of August last; this subsistence to commence on that day.[1]

Resolved, That the eleven companies of artificers, raised by the quartermaster general, be reformed, and incorporated

[1] This report, dated November 8, is in the *Papers of the Continental Congress*, No. 147, II, folio 573.

and arranged in such manner as the Commander in Chief shall deem proper:

That when such arrangement shall have been made, the same be transmitted to the Board of War, to the intent the officers may receive their commissions, which shall entitle them to rank only in their own corps, and enable them to hold regimental courts martial in cases that concern their own corps only, and are usually cognizable by regimental courts martial of the line:

That the officers and men of the said corps be considered as part of the quotas of the 80 battalions as apportioned on the several states to which they respectively belong.

Resolved, That the remainder be re-committed.

On motion of Mr. [John] Mathews, seconded by Mr. [Gouverneur] Morris,

Resolved, That the Marine Committee be empowered, if they judge it proper, to discharge the vessel which they were directed to take up and employ as a prison-ship.

The Chevalier de la Luzerne, having transmitted to Congress another copy of the speech which he intends to make at his public audience, the same was read; Whereupon,

Resolved, That the resolution of the 8th instant, to agree to the draught of an answer reported by a committee be reconsidered.

Resolved, That the report of the said committee together with the paper from Mr. de la Luzerne be referred to a committee of three:

The members chosen, Mr. [Gouverneur] Morris, Mr. [William Churchill] Houston, and Mr. [John] Dickinson.

An appeal from the judgment of a court of admiralty for the State of New Jersey on the libel Decatur & Fordick *vs.* schooner *Barberry,* was lodged with the secretary and referred to the Committee on Appeals.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, NOVEMBER 13, 1779

A letter, of 3d, from General Washington, enclosing a memorial from Colonel Moses Hazen in behalf of Captain Joseph Louis Gill, and one, of the 5th, from the same, were read:[1]

Ordered, That they be referred to the Board of War.

Mr. [Frederick A.] Muhlenberg, a delegate from the State of Pensylvania, laid before Congress the credentials of the delegates for the said State, which were read as follows:

STATE OF PENNSYLVANIA,
In General Assembly, November 12th, 1779.

The House proceeded to the Choice of five Persons to serve this State in Congress. The election being taken by ballot, John Armstrong, James Serle, Frederick Muhlenburgh, James M^cClean, and William Shippen, Senior, Esquires, were duly elected, and declared accordingly.

Extract from the Minutes,

THOMAS PAINE,[2]
Clerk of the General Assembly.

A letter, of the 6th, from General Washington, was read.

A letter, of 9th, from Major General Sullivan, was read, requesting leave, on account of his ill state of health, to retire from the service:[3]

Whereupon, a motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Cornelius] Harnett, "that the resignation of Major General Sullivan be not accepted, but that he have leave to retire from the service as long as he shall judge it expedient for the recovery of his health:"

[1] Washington's letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 159; that of Gill, on folio 163.

[2] The original is in the *Papers of the Continental Congress*, Pennsylvania, *Credentials of Delegates*.

[3] Washington's letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 167; that of Sullivan, in No. 160, folio 340.

A motion was made by Mr. [Gouverneur] Morris, seconded by Mr. [John] Mathews, that the foregoing letter and motion be referred to a committee of three;

On which the yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,			*New Jersey,*		
Mr. Peabody,	no	no	Mr. Scudder,	ay	ay
Langdon,	no		Fell,	ay	
Massachusetts Bay,			Houston,	ay	
Mr. Gerry,	no	div.	*Pennsylvania,*		
Lovell,	no		Mr. Muhlenberg,	ay	ay
Holten,	ay		*Delaware,*		
Partridge,	ay		Mr. M'Kean,	ay	ay
Rhode Island,			*Maryland,*		
Mr. Marchant,	ay	ay	Mr. Plater,	ay	ay
Connecticut,			Forbes,	ay	
Mr. Huntington,	ay	ay	*North Carolina,*		
Sherman,	ay		Mr. Harnett,	no	div.
Root,	ay		Sharpe,	ay	
New York,			*South Carolina,*		
Mr. Morris,	ay	ay	Mr. Mathews,	ay	ay
Lewis,	ay				

So it was resolved in the affirmative.

The members chosen, Mr. [Gouverneur] Morris, Mr. [Cornelius] Harnett and Mr. [James] Forbes.

A letter, of this day, from Samuel B. Webb, and one from John Gooch, were read.[1]

A report of the Board of War on the petition of Robert Jewell, which was re-committed on the 5th, was brought in amended, and the same being read:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Cornelius] Harnett, Mr. [Elbridge] Gerry, and Mr. [William] Sharpe.

[1] The letter of Webb is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 113; that of Gooch, dated October 21, is in No. 78, X, folio 177.

At a Board of War *November 3d, 1779.*

Present Mr Peters and Colo Pickering

The Board having considered the Petition of Robert Jewell, Keeper of the New Goal, for additional allowances to him, his assistants and Turnkey, beg leave to observe, That the business of Mr Jewell demands the utmost vigilance and care, and is attended with much anxiety and no inconsiderable danger. That they have exhibited constant proof of their ability, diligence, fidelity and spirit in executing the trust reposed in them. That the said Robert Jewell in particular is, in our opinion, an exceedingly valuable officer. That he and his assistants for some time past have been suffering greatly, from the smallness of their pay, the keeper having from the beginning of the present year received only eight dollars a day for himself, Turnkey, and occasional clerk, and his assistants but four dollars each. That this pay appears to the Board as inadequate to their services as to their support. We therefore beg leave to report,

That Dollars per day be allowed to Robert Jewell keeper of the new Goal in Philadelphia; Dollars per day to each of his assistants; and Dollars per day to his Turnkey, until the farther orders of Congress; and that this increased pay commence the day of last

The Board were induced to propose that the increased pay should begin at some time past, from the obvious disproportion of the present allowances to the necessary expences of Mr Jewell and his assistants, who have been obliged to spend of their own effects and run in debt for their subsistence, in confidence that they should receive an indemnification.

By order of the Board

Tim: Pickering [1]

War Office, *Nov. 13, 1779.*

The Board are of opinion that there should be allowed to Robert Jewell thirty dollars and one ration per day.

To each of his assistants twenty dollars and one ration per day.

To his Turnkey ten dollars and one ration per day. And that the said Robert provide a clerk occasionally, as he shall have need, at his own expence.

By order of the Board

Tim: Pickering.

[1] Endorsement: "Read November 5. Recommitted, that the Board may report their opinion on the sums and time with which the blanks are to be filled."

The Board are further of opinion that this increased pay should commence the eighteenth day of last August.

By order of the Board

TIM: PICKERING.[1]

A letter, of this day, from W. Palfrey, pay master general, was read, enclosing a letter, of the 3d, from John Pierce, Jun. deputy pay master general:[2]

Ordered, That the same be referred to the Board of Treasury.

On motion of Mr. [Jesse] Root, seconded by Mr. [Gouverneur] Morris,

Resolved, That the Board of War be informed, that Major General Philips and Brigadier General Riedesel, with their families, are permitted to proceed to New York on parole; and that they take necessary measures to forward them immediately.

On motion of the committee, to whom was referred the letter, of the 9th July last, from General Washington,

Resolved, That the said committee be discharged.

The committee, to whom was referred the intended speech of the Minister, brought the draught of an answer, which was read, debated by paragraphs, and agreed to.

Resolved, That Wednesday next be assigned for giving audience to the hon. Chevalier de la Luzerne, minister plenipotentiary of his most Christian majesty.

Congress proceeded to the election of two members to wait upon the hon. the Chevalier de la Luzerne, and conduct him to the audience:

The members chosen, Mr. [John] Mathews and Mr. ~~Lovell~~ [Gouverneur] Morris.

Resolved, That a committee of three be appointed to direct and superintend an entertainment to be given by Congress to

[1] This report is in the *Papers of the Continental Congress*, No. 42, IV, folio 23.

[2] Palfrey's letter is in the *Papers of the Continental Congress*, No. 165, folio 521; that of Pierce, on folio 525.

the honble the Chevalier de la Luzerne, minister plenipotentiary from his most Christian Majesty, on Wednesday next, the day assigned for his public audience.

The members chosen, Mr. [Jesse] Root, Mr. [Henry] Marchant, and Mr. [Cyrus] Griffin.

Resolved, That a member be added to the Committee on the Treasury, in the room of Mr. [Henry] Wynkoop:

The member chosen, Mr. [Frederick A.] Muhlenberg.

Resolved, That Tuesday next be assigned for electing a deputy secretary.

Mr. George Bond was put in nomination for that office by Mr. [James] Lovell.

Resolved, That the door of the Congress chamber be open during the audience to be given to the Minister Plenipotentiary of his most Christian Majesty.

Resolved, That the delegates of Pensylvania be requested to inform the president and supreme executive council, and the speaker and assembly of the said State, that the Minister Plenipotentiary of his most Christian Majesty the King of France, will receive his audience of Congress on Wednesday next, at twelve o'clock; when the doors of the Congress chamber will be opened.

Resolved, That each member of Congress may give two tickets for the admittance of other persons to the audience, and that no person, except those specified in the foregoing resolution, be admitted without such a ticket, or a ticket signed by the members appointed to introduce the Minister to Congress.

Adjourned to 10 o'Clock on Monday.

MONDAY, NOVEMBER 15, 1779

A letter, of the 4th, from J. Beatty, commissary general of prisoners, was read, enclosing a copy of a letter to him from General Silliman and others, prisoners on Long island:[1]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [John] Fell, Mr. [George] Plater, and Mr. [Woodbury] Langdon.

A letter, of this day, from W. Palfrey, pay master general, was read;[2] Whereupon,

Resolved, That W. Palfrey, Esq. pay master general, have leave of absence to visit his family.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. W[illiam] Sharpe, one of the delegates for the State of North Carolina, on his application, for three thousand dollars, for which the said State is to be accountable.[3]

That a warrant issue on the treasurer, in favour of Thomas Bradford, Esq. deputy commissary of prisoners, on the application of John Beatty, Esq. commissary general of prisoners, for fifteen thousand dollars, for the use of his department; and for which the said commissary general of prisoners is to be accountable.[4]

That a warrant issue on the treasurer, in favour of William Palfrey, Esq. pay master general, for one million one hundred and fifty thousand dollars, for the use of his department; for which he is to be accountable.

[1] Beatty's letter is in the *Papers of the Continental Congress*, No. 78, III, folio 393; that of the prisoners is on folio 397.

[2] This letter is in the *Papers of the Continental Congress*, No. 165, folio 529.

[3] This report, dated November 13, is in the *Papers of the Continental Congress*, No. 136, III, folio 807.

[4] See note under October 9, p. 1157, *ante*.

That a warrant issue on the treasurer, in favour of Mr. Thomas Edison, clerk in the office of the secretary of Congress, for fifteen hundred dollars, on account of his salary.

That a warrant issue on the treasurer, in favour of Mr. Chandler Fowke and Mr. Joseph Scudder, clerks at the War Office, for fifteen hundred dollars each, on account of their salary.

That on the application of James Wilkinson, Esq. clothier general, countersigned by the Board of War, a warrant issue on the treasurer, in favour of the said James Wilkinson, Esq. for one hundred and eighty thousand dollars, for the use of the hide department; for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Ephraim Blaine, Esq. deputy commissary general of purchases, on his application, for two million dollars, to be charged to the account of Jeremiah Wadsworth, Esq. commissary general of purchases, for the use of his department, and that he be furnished with a copy of this order.

A report from the commissioners of the chambers of accounts on the memorial of Lewis Weiss being read:

Ordered, That it be re-committed.

The order of the day being called for,

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Roger] Sherman,

That the order of the day for nominating members to the Board of Admiralty be postponed until the sense of Congress can be taken on the following motion:

"Whereas it may be highly injurious to the interest of these United States, to permit candidates for public offices to vote in or otherways influence their own elections:

"*Resolved*, That Congress will not appoint any member thereof during the time of his sitting, or within six months after he shall have been in Congress, to any office under the said states for which he or any other for his benefit may receive any salary, fees or other emolument."

A division being called for on the question,

"That the order of the day for nominating members to the Board of Admiralty be postponed," the yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,			*Pennsylvania,*		
Mr. Peabody,	ay	ay	Mr. Searle,	no	ay
Langdon,	ay		Muhlenberg,	ay	
Massachusetts Bay,			Shippen,	ay	
Mr. Gerry,	ay	ay	*Maryland,*		
Lovell,	ay		Mr. Plater,	ay	div.
Holten,	ay		Forbes,	no	
Partridge,	ay		*North Carolina,*		
Connecticut,			Mr. Harnett,	no	no
Mr. Huntington,	ay	ay	Sharpe,	no	
Sherman,	ay		*South Carolina,*		
New York,			Mr. Mathews,	no	no
Mr. Morris,	ay	ay			
Lewis,	ay				
New Jersey,					
Mr. Scudder,	ay	ay			
Fell,	ay				

So it was resolved in the affirmative.

On the second part of the motion "until" &c., the previous question was moved by Mr. [James] Forbes, and seconded by Mr. [Gouverneur] Morris; and the yeas and nays being required by Mr. Forbes,

New Hampshire,			*Connecticut,*		
Mr. Peabody,	no	no	Mr. Huntington,	no	no
Langdon,	no		Sherman,	no	
Massachusetts Bay,			*New York,*		
Mr. Gerry,	no	no	Mr. Morris,	ay	ay
Lovell,	no		Lewis,	ay	
Holten,	ay		*New Jersey,*		
Partridge,	no		Mr. Scudder,	no	div.
			Fell,	ay	

Pennsylvania,			*North Carolina,*		
Mr. Searle,	ay	ay	Mr. Harnett,	ay	ay
Muhlenberg,	ay		Sharpe,	ay	
Shippen,	no		*South Carolina,*		
Maryland,			Mr. Mathews,	ay	ay
Mr. Plater,	no	div.			
Forbes,	ay				

So it was resolved in the affirmative, and that part of the main question set aside.

The following gentlemen were then put in nomination for commissioners of the Board of Admiralty:

Mr. Thomas Waring, by Mr. [John] Mathews;
Mr. John Collins, by Mr. [Gouverneur] Morris;
Mr. F[rancis] Lewis, by Mr. [John] Fell;
Mr. J. Wharton, by Mr. [James] Searle;
Mr. W[illiam] Whipple, by Mr. [Roger] Sherman;
Mr. Joseph Blewar, by Mr. [Frederick] Muhlenberg;
Mr. John Deshon, by Mr. [Samuel] Huntington;
Mr. James Warren, by Mr. [Elbridge] Gerry;
Mr. Resolve Smith, by Mr. [Nathaniel] Scudder.

The committee to whom was referred the memorial of Captain Charles de Frey, brought in a report; Whereupon,

That as they conceive the Resolve of Congress of the 27 October to have been founded in mistake, supposing Captain Frey's Commission to extend only to a Command in Canada, but as it now clearly appears that his Commission is in the line of the Continental Army, therefore recommend the following Resolution to Congress:

Resolved, That captain Charles de Frey have leave of absence for eight months~~, and that the sum of one thousand dollars be advanced him to defray his expences; he to be accountable~~.[1]

Congress took into consideration the report of the committee on the plan for the establishment of courts of appeals

[1] This report, in the writing of John Mathews, is in the *Papers of the Continental Congress,* No. 19, II, folio 41.

for determining captures on water, and some time being spent thereon,

Ordered, That the farther consideration thereof be postponed.

The committee, to whom were referred the representation from the legislative council and general assembly of New Jersey and the proceedings of a convention of committees from the eastern states to New York, inclusive, at their meeting in Hartford in the State of Connecticut, on the 20th of October last, brought in a report, which was read:

Ordered, That the same be taken into consideration on Thursday next.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, NOVEMBER 16, 1779

Mr. Philip Schuyler, a delegate for the State of New York, attended, and produced a notification of his appointment, which was read, as follows:

STATE OF NEW YORK,
CAMP, HEAD QUARTERS, FISHKILL,
29th Oct^r. 1779.

I do hereby certify that the honorable Philip Schuyler, Esquire, is duly nominated and appointed one of the Delegates of this State in the Congress of the United States of America; and that his being unprovided with a Commission in due form of Law is owing to my being in Camp; whereby I am incapacitated to put the Seal to it at present: But that the same will be expedited to him with all possible Dispatch.

GEO: CLINTON, *Govr.*

Attest,
ROB^T. BENSON, *Secty.*[1]

A letter, of 5, from the governor of Rhode island, &c. was read.[2]

[1] The original is in the *Papers of the Continental Congress*, New York, *Credentials of Delegates*. See under November 20, 1779, *post*.

[2] This letter is in the *Papers of the Continental Congress*, No. 64, folio 458.

The Marine Committee having communicated to Congress a paragraph of a letter from J. Beatty, commissary general of prisoners, informing, "that there are some Spaniards on board the prison-ship at New York, whose necessities call for our support;"

Resolved, That the commissary general of prisoners be directed, until the further order of Congress, to make the same provision for the Spanish prisoners in New York as is made for the prisoners of the United States, keeping a separate account thereof.

The committee to whom was referred a letter of the 21 September last, from the council of Massachusetts Bay, report the following resolution:

"That although Congress have the highest sense of the zeal and exertions of the State of Massachusetts Bay, in the common cause, and are at all times disposed to give them every possible proof thereof, yet in the present situation of the general treasury, and from the pressing necessity of a full and punctual payment of the taxes required for the prosecution of the war, their request to retain the 6,000,000 of dollars mentioned in their letter of the 21st of September last, cannot be complied with." [1]

On the question to agree to the said resolution, the yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,			*Connecticut*,		
Mr. Peabody,	no	div.	Mr. Huntington,	ay	ay
Langdon,	ay		Sherman,	ay	
Massachusetts Bay,			*New York*,		
Mr. Gerry,	no	no	Mr. Schuyler,	ay	ay
Lovell,	no		Morris,	ay	
Holten,	no		Lewis,	ay	
Partridge,	no				

[1] This report, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 20, I, folio 51.

New Jersey,		*Virginia,*	
Mr. Scudder,	ay } ay	Mr. Griffin,	ay } *
Fell,	ay }	*North Carolina,*	
Pennsylvania,		Mr. Harnett,	ay } ay
Mr. Searle,	ay } ay	Sharpe,	ay }
Muhlenberg,	ay }	*South Carolina,*	
Delaware,		Mr. Mathews,	ay } ay
Mr. M'Kean,	ay } ay		
Maryland,			
Mr. Plater,	ay } ay		
Forbes,	ay }		

So it was resolved in the affirmative.

A memorial from B. Flower, commissary general of military stores, was read:[1]

Ordered, That it be referred to the committee appointed to consider what allowance ought to be made to the officers in the different departments of the army, to whom the provision of 18 August does not extend.

Ordered, That a member be added to the said committee, in the room of Mr. [Samuel] Atlee:

The member chosen, Mr. [Philip] Schuyler.

Resolved, That two members be added to the committee on the muster master general's department, in the room of Mr. [Henry] Laurens, and Mr. [Joseph] Spencer, who are absent:

The members chosen, Mr. [George] Partridge and Mr. [Woodbury] Langdon.

The committee on the quarter master and commissary general's departments, laid before Congress a letter of 1st, and one of 9th, from J. Wadsworth, commissary general of purchases; Whereupon,[2]

Resolved, That the rum and sugar belonging to the public be delivered over to the committee on the commissary and

[1] This memorial, dated November 15, is in the *Papers of the Continental Congress,* No. 41, III, folio 208.

[2] These letters are in the *Papers of the Continental Congress,* No. 78, XXIV, folios 109 and 117.

quarter master general's departments, to be disposed of in such manner as they may, from time to time, direct, excepting such parts thereof as the Marine Committee may think necessary for the use of the continental navy.

Ordered, That the letter of the 9th be referred to the Board of Treasury.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. W[oodbury] Langdon, one of the delegates for the State of New Hampshire, on his application, for four thousand dollars; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. Benjamin Armitage, superintendant of the paper mill, for one thousand five hundred dollars on his application; for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. Richard Philips, steward to the President of Congress, for five thousand dollars; for which he is to be accountable.[1]

The commissioners report,

That there is due to the Rev. Mr. W. White, his salary as chaplain to Congress, from the first of October, 1778 to 1 October, 1779, together with his allowance of rations, one thousand and eighty five dollars.

That there is due to Thomas W. Collins, for engrossing commissions, two hundred dollars:[2]

Ordered, That the said accounts be paid.

A report from the Board of War was read; Whereupon,

Resolved, That in addition to the sub-cloathiers appointed by virtue of the ordinance of March 23d, 1779, for regulating

[1] This report, dated November 16, is in the *Papers of the Continental Congress*, No. 136, III, folio 813.

[2] This report, dated November 16, is in the *Papers of the Continental Congress*, No. 136, III, folio 809.

the cloathing department, the cloathier general, with the approbation of the Board of War and the Commander in Chief, appoint a sub-cloathier to receive from the cloathier general and the several sub-state cloathiers, the proportion of cloathing assigned the artillery, cavalry, artificers and corps composed of troops from different states, according to the general estimate, and to cause such cloathing to be distributed to the officers and soldiers of the several corps aforesaid, and in all other respects to govern his conduct in the execution of the said business agreeably to the regulation of Congress of the 23 of March, A. D. 1779, respecting the sub-cloathiers.[1]

Resolved, That it be recommended to the several states to allow the corps of artificers established by Congress the 12th inst. all the benefits provided for officers and soldiers in the line of their quotas of the continental battalions, except the half pay.

That the commanding officer of the corps of artificers shall be allowed the same pay and subsistence as a lieutenant colonel:

That the allowance of pay, subsistence and cloathing of the other officers and men of the said artificers, be the same with that of the artillery artificers under the command of Colonel B. Flower.[2]

Resolved, That the Board of War be discharged from proceeding on the case of Captain George Cavey, and that the same be referred to the Marine Committee.

A letter, of this day, from Colonel S[amuel] Atlee, was read:

Ordered, That it be referred to the Board of Treasury.

[1] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 581. The action was instigated by a letter of Washington to the Clothier General, dated October 8, 1779.

[2] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 577.

Ordered, That the letter, of 27 October last, from Major General Gates, be referred to the Board of War.[1]

Ordered, That the memorial of Mr. Bowen be re-committed to the Marine Committee.

The Medical Committee, to whom were referred the resolutions of 27 October respecting the officers of the hospital department, together with the report of the said committee on the said department, which was re-committed, brought in a report:

Ordered, That the same be taken into consideration on Friday next.

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [James] Lovell,

Resolved, That the deputy secretary of Congress be allowed at the rate of ten thousand dollars per annum, until the further order of Congress.

According to order, Congress proceeded to the election of a deputy secretary; and, the ballots being taken,

Mr. George Bond was elected.

Mr. David Mumford was put in nomination for a commissioner of the Board of Admiralty by Mr. [Jesse] Root,

Resolved, That Monday next be assigned for electing commissioners of the Board of Admiralty.

The committee to whom was referred the letter of 25 October last, from Dr. J. Morgan, brought in a report; Whereupon,

Resolved, That it be recommended to the executive authority of the respective states, upon the application of the judge advocate for that purpose, to grant proper writs requiring and compelling the person or persons whose attendance shall be requested by the said judge, to appear and give testimony in any cause depending before a court

[1] This letter is in the *Papers of the Continental Congress*, No. 154, II, folio 194.

martial; and that it be recommended to the legislatures of the several states to vest the necessary powers for the purposes aforesaid in their executive authorities, if the same be not already done.

Resolved, That in cases not capital in trials in courts martial, depositions may be given in evidence, provided the prosecutor and person accused are present at the taking the same.

On motion of Mr. [Woodbury] Langdon, seconded by Mr. [Gouverneur] Morris,

Resolved, That the Marine Committee be authorized, from time to time, to appoint advocates for the purpose of taking care of and managing the maritime causes, in which the United States are or may be concerned.

Ordered, That Mr. [Woodbury] Langdon have leave of absence.

Adjourned to 10 oClock to Morrow.[1]

WEDNESDAY, NOVEMBER 17, 1779

According to order, the honorable Sr. Chevalier de la Luzerne, minister plenipotentiary of his most Christian majesty, was introduced to an audience by Mr. [John] Mathews and Mr. [Gouverneur] Morris, the two members for that purpose appointed, and being seated in his chair, the secretary of the embassy delivered to the President a letter from his most Christian majesty, directed on the out side

[1] The committee, appointed October 26, to prepare instructions for the Commissioner appointed to negotiate a treaty of commerce with the United Provinces of the Low Countries, presented its report on this day. No mention of it was made in either the general or the secret Journal, and no action was taken until December 6, 1780, when an amended form was reported. It was agreed to December 29, 1780, and will be found under that date, *post*.

"A nos très chers grands Amis et alliés, les Président et Membres du Congrès général des États unis de l'Amérique septentrionale," and is in the words following:

Très chers, grands Amis et Alliés:

Le mauvais état de la santé du Sr. Gérard, notre Ministre plénipotentiare auprès de vous, l'aiant mis dans la necessité de demander son rapel, nous avons fait choix pour le remplacer en la même qualité du Sr. Ch^r^ de la Luzerne, colonel à notre service.

Nous ne doutons pas que sa personne ne vous soit agréable, et que vous ne lui accordiez une entière confiance: Nous vous prions d'ajouter foi à tout ce qu'il vous dira de notre part, surtout lorsqu'il vous assurera de la sincérité de vœux que nous faisons pour votre prosperité, ainsi que de la constance de notre affection et de notre amitié pour les États unis en général, et pour chacun d'eux en particulier. Sur ce je prie Dieu qu'il vous ait, Très chers grands amis et alliés, en sa S^te^ et digne garde. Écrit à Versailles, le 31 Mai, 1779.

Votre bon ami et allié

(Signed) Louis

(Underneath) Gravier de Vergennes.

TRANSLATION

Superscription: To our very dear great friends and allies, the President and members of the general Congress of the United States of North America:

Very dear, great friends and allies,

The bad state of health of the Sieur Gérard, our minister plenipotentiary to you, having laid him under the necessity of applying for a recal, we have made choice of the Sr. Chevalier de la Luzerne, a colonel in our service, to supply his place. We have no doubt but he will be agreeable to you, and that you will repose entire confidence in him. We pray you to give full credit to all he shall say to you on our behalf, especially when he shall assure you of the sincerity of our wishes for your prosperity, as well as of the constancy of our affection and of our friendship for the United States in general, and for each one of them in particular. We pray God to keep you, our very dear, great friends and allies, in his holy protection.

Your good friend and ally,

Louis.

Done at Versailles, the 31 May, 1779.

(Underneath) Gravier de Vergennes.

The Minister was then announced to the House; Whereupon he arose, and addressed Congress in a speech, which,

when he had finished, the secretary delivered in writing to the President, and is as follows:

TRANSLATION[1]

"MESSIEURS,

La sagesse et le courage qui ont fondé votre république, la prudence que préside à vos délibérations, votre fermeté dans l'exécution, l'habilité et la valeur que vos généraux et vos soldats ont déployées dans le cours de cette guerre, ont attiré sur vous l'admiration et les regards du monde entier. Le roi, mon maître, a reconnu le premier une liberté acquise parmi tant de périls et avec autant de gloire. Depuis que des traités dictés par la modération ont établi sur une base inébranlable l'union de la France avec la république Américaine, toute la conduite de S. M. a du vous prouver combien votre prosperité lui est chère, et la ferme resolution où elle est de maintenir votre indépendance par touts les moyens qui sont en son pouvoir. Les événemens qui se sont dévelopés successivement ont prouvé la sagesse de ces mesures. Un allié puissant a reconnu la justice des motifs qui ont forcé le Roi a prendre les armes, et l'on peut avec fondement se promettre les succès les plus solides des opérations des deux flottes reunies. Les forces navales de notre ennemi ont été détournées de votre continent.

GENTLEMEN,

The wisdom and courage which have founded your republic: the prudence which presides over your deliberations; your firmness in execution; the skill and valor displayed by your generals and soldiers, during the course of the war, have attracted the admiration and regard of the whole world. The King, my master, was the first to acknowledge a liberty acquired amidst so many perils and with so much glory. Since treaties dictated by moderation, have fixed upon a permanent base the union of France with the American republic, his majesty's whole conduct must have demonstrated how dearly he tenders your prosperity, and his firm resolution to maintain your independence by every means in his power. The events which have successively unfolded themselves, shew the wisdom of those measures. A powerful ally hath acknowledged the justice of those motives which had compelled the King to take arms, and we may reasonably hope for the most solid success, from the operations of the united fleets. The naval force of the enemy hath been diverted from your continent. Compelled to flee to

[1] From this point the entries are in the writing of George Bond.

Contraint d'accourrir à la défense de ses propres possessions tous ses efforts n'ont pu empêcher nos troupes d'en conquérir une partie considérable. Les autres isles Anglaises redoutoient le même sort, lorsque le général françois a interrompu le cours de ses succès pour venir chercher parmi vous de nouveaux dangers. En se conformant aux intentions de S. M. il a cédé à son propre penchant, aux désirs des François et au vœu des Américains, qui l'invitoient à joindre ses armes à celles de votre république. Les événemens n'ont pas répondu complètement à son courage et à ses efforts, mais son sang et celui de mes compatriotes, repandu pour une cause qui nous est si chère, a cimenté la base sur laquelle l'alliance est fondée, et lui imprime un nouveau caractère aussi inaltérable que tous ceux qui l'ont déjà consacrée.

Cette alliance, Messieurs, devient de jour en jour, plus indissoluble et les avantages que les deux nations en retirent l'ont portée au plus haut point de consistance. Des rélations de commerce entre les sujets du Roi mon maître et les habitans des treize États unis se multiplient continuellement, et déjà l'on peut observer, malgré les obstacles qui embarrassent la communication réciproque, combien elle est naturelle; combien elle deviendra

the defence of their own possessions, all their efforts have been too feeble to prevent our troops from conquering a considerable part. The other British islands feared the same lot, when the French general stopped the current of his sucess, to seek new dangers here. In conforming to his Majesty's intentions, he has complied with his own inclinations, the desires of the French and the request of the Americans, which invited him to join his arms to those of your republic. Events have not completely answered his courage and his efforts, but his blood and that of my countrymen, shed in a cause so dear to us, hath cemented the base on which the alliance is founded, and impressed on it a character as indelible as are all those by which it is already consecrated.

That alliance, gentlemen, becomes daily more indissoluble, and the benefits which the two nations derive from it, have given it the most perfect consistence. The relations of commerce between the subjects of the King, my master, and the inhabitants of the thirteen United States continually, multiply; and we may already perceive in spite of those obstacles which embarrass the reciprocal communication, how natural it is, how advantageous it will be to the two

profitable aux deux nations et à toutes celles qui y prendront part, et combien les principes exclusifs, l'attention jalouse et les loix prohibitives de l'ennemi de votre liberté ont été préjudiciables à votre bonheur. C'est dans ces conjectures, Messieurs, que le Roi a bien voulu me désigner pour remplir auprès de vous les fonctions de son Ministre plénipotentiaire, et vous avez trouvé dans la lettre, que je viens d'avoir l'honneur de vous remettre de sa part, de nouvelles assurances de l'amitié qu'il a pour vous. J'ai regardé comme la plus heureuse circonstance de ma vie une mission dans le cour de laquelle je suis sûr de remplir mes devoirs en travaillant à votre prospérité, et je me suis félicité d'être envoyé près d'une nation dont les interêts sont si étroitement liés avec notres, que je ne puis être utile ou à la France ou à la république Américaine sans me rendre agréable à la fois à l'une et à l'autre.

Il eut été sans doute à désirer que les affaires dont je suis chargé fussent restées entre les mains du Ministre éclairé auquel je succède et que sa santé oblige a retourner en France. Je n'ai point ses lumières, mais j'ai comme lui un zéle sans bornes pour le bien et le succès de la cause commune. Je suis chargé comme lui de concourir à tout ce qui pourra être agréable et utile à votre république. J'ai

nations and all who participate in it, and how much the monopolizing spirit, the jealous attention and prohibitory edicts of the enemy to your freedom, have been prejudicial to your happiness.

It is under these circumstances, gentlemen, that the King, my master, hath been pleased to appoint me his minister plenipotentiary to you. You have seen in the letter which I had just now the honor to deliver from him, fresh assurances of his friendship. I consider as the happiest circumstance of my life, a mission in the course of which I am certain of fulfilling my duty when I labour for your prosperity; and I felicitate myself upon being sent to a nation whose interests are so intimately blended with our own, that I can be useful neither to France nor the American republic, without rendering myself agreeable both to the one and to the other.

It was certainly desirable that the affairs with which I am charged, had remained in the hands of that enlightened Minister whom I succeed, and whose health compels him to return to France. I have not his abilities, but like him I have an unbounded zeal for the welfare and success of the common cause; like him I am directed to concur in every thing which can be useful or agree-

le même attachement pour les peuples que vous representéz, Messieurs, et la même admiration pour leur conduite. J'ai le plus grand empressement de vous en donner des preuves, et j'espère que ses differens titres me conduiront à meriter votre confiance et votre estime.

(Signé)

LE CHE^R^ DE LA LUZERNE.

able to your republic. I have the same attachment to the people, you, gentlemen, represent, and the same admiration of their conduct. I have the most fervent wish to give you proofs of it, and I hope by these different titles to merit your confidence and your esteem.

(Signed)

LE CHEV. DE LA LUZERNE.

To which the President returned the following answer:

SIR,

The early attention of our good friend and ally to these United States is gratefully felt by all their virtuous citizens; and we should be unfaithful representatives if we did not warmly acknowledge every instance of his regard, and take every opportunity of expressing the attachment of our constituents to treaties formed upon the purest principles.

His most Christian Majesty, in rendering himself protector of the rights of mankind, became entitled to assistance from the friends of man. This title could not but be recognized by a monarch whose diadem is adorned with equity and truth: that monarch, by joining his arms to those of our great ally, hath given a fatal blow to the common enemy; and from the justness of the motives which unite the combined fleets, we expect the most solid benefits will crown their operations; nor can we doubt that other powers will rejoice to see that haughty nation humbled, in proportion as they have been insulted by her presumptuous arrogance.

We well know, and all the world must acknowledge, the moderation and friendship of the most Christian King, in neglecting conquests which courted his acceptance for the benevolent pleasure of succouring his allies. In this, as in every other instance, we perceive his strict adherence to the principles of our defensive alliance. We are sensible of the zeal of the French general, in executing his Majesty's orders. We esteem his courage, we lament his wounds, and we respect that generous valour which hath led your countrymen to contend with ours in the same common cause, in the same field of

glory. A noble emulation which hath poured out the blood of the two nations, and mingled it together as a sacred pledge of perpetual union!

The consequences which have followed from the appearance of the French fleet upon our coasts, particularly by disconcerting the enemy's plans of operation, and destroying a considerable part of their naval force, demonstrate the wisdom of the measure. That they have not been still more beneficial, is to be attributed to those incidents which in the hand of Omnipotence determine all human events: but our disappointment is compensated by reflecting on the perfect harmony that subsisted between the generals and the troops of the two nations.

The prosperous course of the campaign gives a pleasing hope that the moment of peace may soon arrive, when the reciprocation of mutual good offices shall amply recompence our mutual labours and cares; and we doubt not but in that moment the commerce between the allied nations, now struggling under great inconveniences, will shoot forth with vigor and advantage, and happily demonstrate the injuries we once suffered from the restraints of our enemies.

While we lament, sir, the loss of your worthy predecessor, we are led from your personal character to the pleasing expectation that you will possess that confidence and esteem which he enjoyed. They are due to the servant of our benefactor: we are happy in his choice, and being thoroughly convinced of the intimate connexion between the interests and views of the allied nations, we cannot but persuade ourselves that the more attentively you shall perform your duty to your sovereign, and the more sedulously you shall guard and promote the welfare of your country, the more agreeable and respectable you will render yourself to the citizens of America.[1]

The secretary of Congress delivered to the Minister a copy of the foregoing reply dated in Congress, November 17, 1779, and signed Samuel Huntington, President. Whereupon, the Minister withdrew, and was conducted home in the manner in which he was brought to the House.

The Committee on the Treasury brought in a report; Whereupon,

[1] From this point Thomson resumed the entries.

Resolved, That five million and forty dollars be emitted on the faith of the United States, and under the direction of the Board of Treasury, in bills of credit of the following denominations, viz.

13,158 bills of 65 dollars,	855,270	13,158 bills of 40 dollars,	526,320
13,158 do. of 60 do.	789,480	13,158 do. of 35 do.	460,530
13,158 do. of 55 do.	723,690	13,158 do. of 30 do.	394,740
13,158 do. of 50 do.	657,900		
13,158 do. of 45 do.	592,110		[1] 5,000,040

That the said bills, excepting the numbers, be of the same tenor and date as the emissions directed on the 17 September last, and be numbered from the last number in every denomination progressively.

Resolved, That the farther sum of five million and fifty thousand five hundred dollars be emitted on the faith of the United States, and under the direction of the Board of Treasury, in bills of credit of the following denominations, viz.

27,300 bills of 80 dollars,	2,184,000	27,300 bills of 3 dollars,	81,900
27,300 do. 70	1,911,000	27,300 do. 2	54,600
27,300 do. 20	546,000	27,300 do. 1	27,300
27,300 do. 5	136,500		
27,300 do. 4	109,200		5,050,500

That the said bills, excepting the numbers, be of the same tenor and date as those emitted the 14th of October last, and be numbered from the last number in every denomination progressively.[2]

On motion of Mr. [John] Witherspoon, seconded by Mr. [Gouverneur] Morris,

Resolved, That a committee of five be appointed to devise further ways and means for supplying the public treasury.

[1] The sum originally called for by the report was 15,000,180 dollars, with 39,474 bills of each denomination. The altered figures, calling for one-third of this sum, were entered by Elbridge Gerry.

[2] This report, dated November 16, is in the *Papers of the Continental Congress*, No. 136, III, folio 817.

The members chosen, Mr. [Elbridge] Gerry, Mr. [John] Witherspoon, Mr. ~~Marchant~~ [Gouverneur] Morris, Mr. [John] Mathews, and Mr. [Roger] Sherman.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, NOVEMBER 18, 1779

A letter, of 14, from General Washington, was read; Whereupon,

Resolved, That the President inform General Washington, that Congress approve the sentiments and opinion expressed in his letter of the 14th instant, and desire that he may take what measures he thinks most proper upon the intelligence he must have by this time received.

A memorial from the general officers serving in the army of the United States, was read:[1]

Ordered, That it be referred to the committee appointed to consider what allowance ought to be made to the officers in the different departments of the army, to whom the provision of 18 August last doth not extend.

A letter, of 15, from Charles Pettit, assistant quarter master general, was read, accompanied with a number of papers:

Ordered, That the same be referred to the committee on further ways and means of supplying the treasury.

A letter, of 29 October, from Colonel Safford, was read, enclosing a letter of the 21 of the same month, from Jacob Safford, an ensign in Colonel Warner's regiment, requesting leave to resign:

Resolved, That the resignation of Ensign Jacob Safford be accepted.

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VIII, folio 171. It is printed in *Writings of Washington* (Ford), VIII 107. The memorial is in No. 41, VII, folio 259.

A letter of Le baron de Bonstellen was read; accompanied with sundry papers:

Ordered, That the same be referred to the Board of War.

A letter, of this day, from W. Palfrey, was read:[1]

Ordered, That it be referred to the Board of Treasury.

Ordered, That Mr. [John] Dickinson have leave of absence.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That on the application of Mr. C[ornelius] Harnet, a delegate for the State of North Carolina, a warrant issue on the treasurer, in favour of Josiah Hewes, administrator of Mr. J. Hewes, late deceased, for three thousand dollars; for which the State of North Carolina is to be accountable.[2]

According to order, Congress took into consideration the report of the committee on the representation from the legislative council and general assembly of New Jersey and the proceedings of the convention of commissioners at Hartford; and some time being spent thereon,

Ordered, That the farther consideration thereof be postponed till to morrow.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, NOVEMBER 19, 1779

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. Aaron D. Woodruff, one of the clerks in the office of the secretary of Congress, for one thousand dollars, on account of his salary.[3]

[1] The Safford letters are in the *Papers of the Continental Congress*, No. 78, XX, folios 463, 465; that of Palfrey, in No. 165, folio 533.

[2] This report, dated November 18, is in the *Papers of the Continental Congress*, No. 136, III, folio 821.

[3] This report, dated November 19, is in the *Papers of the Continental Congress*, No. 136, III, folio 823.

A report of the Board of War was read, respecting prisoners of war:

WAR OFFICE, *November 17, 1779.*

We beg leave to lay before Congress sundry letters and paper relative to prisoners of war,[1] which will, if it be necessary, further evidence the necessity of adopting the plan reported a long time ago on the subject. The Board are more and more convinced every day of the endless confusion and injustice arising from State Exchanges and wish they were totally abolished. The individual Sovereignty of the States was consulted in the plan we had the honor to lay before Congress, quite as much from motives of policy as those founded on reason. The Exchanges of prisoners seem in our humble opinion to be most properly the objects of the general authority, and as they are appendages of the power of making peace or war, they ought as we conceive to be solely vested where that power is and ought to be lodged. But we submit this to the better opinion of Congress, taking the liberty of expressing our wish that some determination may be had as we are pressed daily on the subject.[2]

Ordered, That the same be taken into consideration on Tuesday next.

The committee appointed to devise further ways and means of supplying the Treasury brought in a report, which was read.

Your Committee to whom was referred the ways and means for supplying the Treasury, report:

1st That Bills of Exchange be drawn on Mr Jay to the amount of £100,000 Sterling and on Mr Lawrence [Laurens] to the amount of £100,000 Sterling, payable at six months sight, and that the same be sold at the current rate of exchange.[3]

2ly That a loan be opened on the following terms to wit, that for every sum of 8,000 Dollars paid into the Treasury before the 1st day of February, the person paying the same shall be entitled to £100 Sterling payable at the end of ten years, with 6 p. c. interest. The principal and interest to be paid either in Bills of Exchange, specie or current money at the rate of Exchange.

[1] These papers accompany the report.

[2] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 587.

[3] See under November 23, 1779, p. 1299, *post*.

3ly That an annuity office be opened on the following terms to wit: that for every sum of 100,000 Dollars paid into the Treasury, before the 1st day of February, the person paying the same shall be entitled to receive £100 Sterling annually for 22 Years, either in Bills of Exchange, specie or current money at the rate of Exchange.

That a Committee be appointed to report on the manner of carrying the above Resolutions into effect.[1]

Congress resumed the consideration of the report of the committee on the representation of the legislative council and general assembly of New Jersey, and the proceedings of the convention of commissioners from the five eastern states, and thereupon came to the following resolutions:[2]

Whereas Congress by their resolution of 1 September last, did determine not to emit any Bills of Credit above the amount in the said resolution limited, relying for the further means of prosecuting the War, on Taxes and Loans, and considering that the ascertainment of the greatest possible sum which could come into circulation, would prevent the depreciation of the said Bills of Credit beyond the degree which the surplus of quantity, and some other causes of less influence, would naturally produce; and

Whereas there is reason to believe that the continued and disproportionate advance of prices is to be attributed, in a considerable measure, to the arts of unprincipled and disaffected people, who still cherish the Hopes of defeating by this means the establishment of the Liberty and Independence of the United States, and to the credulity of such as suffer themselves to be imposed upon by these arts and Management; and,

Whereas the fluctuating state of prices not only causes inequality and injustice in private dealings, and in furnishing the public supplies from the several states, but renders it impracticable to make the proper estimates for future expences, and to fix equitable salaries for those employed in the service of the United States: and whereas the estimates according to which the requisitions for the taxes of the succeeding year have been made by the resolution of the 6th of

[1] This report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 26, folio 87.

[2] From this point the entries are in the writing of George Bond.

October last, have been formed on the principle that the prices of commodities necessary for the public use would not exceed twenty fold of the former prices, and should they rise above that rate, the taxes must be accordingly increased, but should they fall below it, the surplus of the sum raised may be applied to the sinking fund: therefore

And whereas, although the collection of Taxes and the natural course of trade might, in time, reduce the prices to a proper standard, and remedy the mischiefs which prevail, yet these being too slow in their operation to give that relief which the present exigencies of affairs require, unless aided by proper expedients for fixing prices in some uniformity throughout the various States, and in juster proportion to the effect of the quantity of money emitted, together with that of other natural causes of depreciation;

Resolved, That it be earnestly recommended to the several states forthwith to enact laws for establishing and carrying into execution a general limitation of prices throughout their respective jurisdictions, on the following principles, and to commence in their operation from the first day of February next:

Articles of domestic produce, farming and common labor, the wages of tradesmen and mechanics, water and land carriage, not to exceed twenty fold of the prices current through the various seasons of the year 1774.

Articles imported from foreign parts to be in due proportion with labor and the articles as above stated, making a proper allowance for freight, insurance, and other charges.[1]

Salt and military stores, whether of home manufacture or imported from abroad, to be excepted from limitation of price.

Resolved, That it be recommended to the several states to enact strict laws against engrossing and withholding, and to take the necessary measures for having the same carried into full execution.[2]

[1] This paragraph was postponed, but passed after amendment in language.
[2] The entries are resumed by Charles Thomson.

Resolved, That the voluntary agreements and associations formed in divers parts of these States by the merchants, traders and other citizens, for adopting, by general consent, and under the authority of the laws, proper expedients to prevent the advance of prices, and to appreciate the paper currency, are highly laudable.

Previous question

Resolved, That the proceedings of the commissioners from the eastern states to New York inclusive, at their meeting in Hartford, in Connecticut, on the 20th of October last, discover a generous attention to the public good, and are well calculated to promote the same: it is nevertheless expected that no time will be lost in giving effect to these resolutions, as the same general purpose may thereby be attained, and at an earlier period.

And whereas, it is hereby recommended that the article of Salt be left unlimited in the price, which is of indispensible necessity to all ranks of people, and often difficult to be procured;

Resolved, That it be recommended to the well disposed and publick spirited citizens of these States, who are blessed with plenty and affluence, and particulary to those who inhabit in or near to towns, cities and other places of trade, to form voluntary associations for procuring a plentiful supply of the said article, and for reducing the price thereof, that the poor may be furnished therewith on the most reasonable terms.

Previous question carried

Resolved, That all officers and agents employed in making purchases for the Unted States, be directed to conform strictly to all regulations that are or may be established in the several states:

That all such as purchase on commission be allowed the same on such sums only as the articles by them purchased would amount to at the rated prices; and that they be allowed a commission of five per cent on all savings made by purchasing under such prices.

Previous question carried

That accounts be kept and returns made by all persons employed to make purchases in behalf of the United States, or to hire vessels, carriages, or men, for the service of the

same, of the prices by them respectively given in such states as shall not, before the first day of February, 1780, pass laws for the limitation of prices agreeable to the recommendation contained in the foregoing resolutions; to the intent that such states as shall have neglected to pass laws for the purposes aforesaid, may respectively be charged in the public accounts with the aggregate amount of the difference of prices paid from and after the said first day of February, 1780, in such states and those in which such laws may have been enacted.[1]

The last resolution reported by the committee being read, viz.

"That it be recommended to the legislatures of the several states to revise their laws for making the paper currency a tender in the payment of debts, and so to frame them that injustice to creditors or debtors may be prevented;"[2] and an amendment being moved by Mr. [John] Witherspoon, seconded by Mr. [James] Forbes, by adding the words "and that the injustice which has already taken place may be remedied, as far as may be practicable:"

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [John] Mathews, that the consideration of that part of the report and the amendment be postponed;

On which the yeas and nays being required by Mr. [James] Forbes,

New Hampshire,			*Rhode Island,*		
Mr. Peabody,	ay	div.	Mr. Marchant,	no	no
Langdon,	no		*Connecticut,*		
Massachusetts Bay,			Mr. Huntington,	no	no
Mr. Gerry,	ay	ay	Sherman,	no	
Lovell,	ay		Root,	no	
Holten,	ay		*New York,*		
Partridge,	ay		Mr. Schuyler,	ay	div.
			Lewis,	no	

[1] This paragraph, in the writing of Philip Schuyler, is on folio 39.

[2] This report, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 26, folio 41.

New Jersey,			*Virginia,*		
Mr. Witherspoon,	ay	ay	Mr. Griffin,	no	*
Scudder,	ay		*North Carolina,*		
Fell,	no		Mr. Harnett,	ay	ay
Houston,	ay		Sharpe,	ay	
Pennsylvania,			*South Carolina,*		
Mr. Searle,	ay	ay	Mr. Mathews,	ay	ay
Muhlenberg,	ay				
Shippen,	ay				
Maryland,					
Mr. Plater,	ay	div.			
Forbes,	no				

So it was resolved in the affirmative.

Resolved, That the report of the Medical Committee on the hospital staff be postponed till to morrow, and that the same be taken into consideration immediately after reading the journal.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, NOVEMBER 20, 1779.

Mr. J[ames] M'Clene, a delegate for the State of Pensylvania, attended and took his seat in Congress.

Mr. Robert R. Livingston, a delegate for the State of New York, attended and produced the credentials of his appointment, which were read, as follows:

STATE OF NEW YORK,
In Senate, October 15th, 1779.

Resolved, that this Senate do concur with the honble. the House of Assembly in their Resolution on the Subject of "appointing a Delegate from this State in General Congress for the present Year, in the stead of the honble. John Jay, Esqr, appointed Minister from the United States to the Court of Madrid."

Resolved, that this Senate do concur with the honble. the house of Assembly "that a special Occasion does now exist on which the Chancellor and Judges of the Supreme Court may be elected Delegates to

the General Congress: And that, of the Chancellor and Judges of the Supreme Court, one should on this Occasion be elected a Delegate to continue in Office until the first Day of April next."

Resolved, if the honble. the House of Assembly concur herein, that if any Question be put in Congress when only one of the Delegates of this State shall be present, the Vote of such Delegate on the Question shall be the Vote of this State: Provided always that the Attendance of three of the said Delegates, as required by the former Resolutions of the Senate and Assembly, be considered in full force,

Ordered, that Mr. Van Schaick carry a Copy of the aforegoing Resolutions to the honble. the House of Assembly.

October 18th.

A Message of the honble. the House of Assembly, by Mr. Pell and Mr. Purdy, was received; informing, "that they concur with this Senate in the Resolution of the 15th Instant authorizing any one of the Delegates of this State, present in Congress, when a Question shall be put, to give the Vote of this State."

Resolved, that the honble. Philip Schuyler, Esquire, be and hereby is declared duly nominated and appointed a Delegate from this State in the Congress of the United States of America, in the stead of the honble. John Jay, Esquire, for the present Year.

Resolved, that the honble. Robert R. Livingston, Esquire, Chancellor of this State, be and hereby is declared duly nominated and appointed a Delegate, on the present special Occasion, from this State in the Congress of the United States of America; to continue in his said Office of Delegate until the first Day of April next.

By Order of the Senate.

PIERRE VAN CORTLANDT, *President.*

Attest:

ROBERT BENSON, *Clerk.*[1]

Congress took into consideration the report of the Medical Committee on the hospital staff; Whereupon,

Resolved, That the director general, deputy directors general, the assistant deputy directors, the physicians and surgeons general of the hospitals and army, the senior surgeons, the second or junior surgeons, the apothecaries general and

[1] The original is in the *Papers of the Continental Congress*, New York, *Credentials of Delegates*.

apothecaries mates or assistants, the hospital chaplains, regimental surgeons and mates, mates of the military hospitals, commissaries, assistant commissaries, pay masters and stewards of the hospital, who shall have been in the service for the space of one year, and are at present employed in the same, shall each be entitled annually to draw cloathing from the stores of the cloathier general, in the same manner and under the same regulations as are established for officers of the line by a resolution of Congress of the 26 day of November, 1777.

Resolved, That until the further order of Congress, the following officers of the military hospital shall be entitled to subsistence, in like manner as is granted to officers of the line by a resolution of the 18th day of August last, and in the following proportions, viz. each deputy director general, 500 dollars per month; each assistant deputy director, 400 dollars; each physician general and surgeon general, 500 dollars; each physician and surgeon general, 500 dollars; each senior surgeon, 400 dollars; each junior surgeon, 300 dollars; each apothecary general, 400 dollars; each apothecary's assistant or mate, 100 dollars; each commissary, 300 dollars; each commissary's assistant, 200 dollars; each clerk, who is to be pay master, 200 dollars; each steward, 100 dollars; each chaplain, 400 dollars;

The same to commence from the 18 day of August last.

~~Resolved, That all the said officers of the military hospital and all regimental surgeons and their mates who shall continue in the service to the end of the present war, shall be entitled to quotas of lands respectively, in like manner as is stipulated, in favour of officers of the line by the resolution of the day of , which quotas shall be ascertained and apportioned according to the rate of subsistance above granted.~~

Resolved, That all mates necessarily employed in the military hospital or army shall, during service, be entitled to the same subsistence as is given to regimental mates, viz. 100 dollars per month.

Resolved, That the remainder of the report be re-committed.

The committee, to whom was referred the letter, of 17 October last, from Mr. P[hilip] Schuyler, brought in a report:

Ordered, That it be taken into consideration on Tuesday next.

Adjourned to 10 o'Clock on Monday.

MONDAY, NOVEMBER 22, 1779

The committee appointed to correspond with the commanding officer of the southern department, laid before Congress a letter of 24 October from Major General Lincoln, which was read, together with a list of articles wanted for the southern department:

Ordered, That the list enclosed be referred to the Board of War, and that the Board order as many of the said articles as can be spared, consistent with the general service, to be sent with all despatch to the southern department.

Ordered, That the Marine Committee give every assistance in their power in forwarding stores and troops to South Carolina.

A petition of Captain John Palfrey, a prisoner, was read:

Ordered, That the petitioner be permitted on parole to proceed to Boston, and that his petition be referred to the council of the said State, to take order thereon.

A letter, of this day, from W. Palfrey, pay master general, was read, enclosing a copy of a letter, of 2, from Mr. Clay, his deputy, in the southern department; and of one, of 4th, from J[ohn] Boreman, another deputy for the western department:

Ordered, That the same be referred to the Board of Treasury.

A letter, of 8, from Belcher P. Smith, was read:[1]

Ordered, That it be referred to the Board of Treasury:

A letter, of 4, and one, of 7th, from J. Adams; the latter accompanied with copies of the letters written by the commissioners in France while he resided there;[2] also a, letter, of 9th, from F. Dana, were read, signifying their acceptance of the offices to which Congress have appointed them.

A letter, of 19th, from George Morgan, was read:

Resolved, That the Medical Committee be instructed to revise the several resolutions passed respecting the hospital department, and to digest and arrange them with such amendments as may make the whole consistent with and conformable to the alterations made by Congress in the original system, and report the same to Congress.

Resolved, That two members be added to the Committee of Commerce, in the room of Mr. [Henry] Laurens and Mr. [Francis] Lewis, who are absent:

The members chosen, Mr. [Cyrus] Griffin and Mr. [Cornelius] Harnett.

According to order, Congress took into consideration the report of the committee on ways and means, and after debate,

Ordered, That it be referred to a committee of the whole.

Resolved, That to morrow immediately after reading the journals, Congress be resolved into a committee of the whole, to consider the said report, unless the President shall have received dispatches of such importance as in his opinion ought first to be read.

[1] Palfrey's letter is in the *Papers of the Continental Congress*, No. 165, folio 535; the enclosures are on folios 539 and 541; the letter of Smith, in No. 78, XX, folio 469.

[2] The Adams letters are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 399, 404.

The Board of War, to whom was referred the memorial of the Baron de Bonstellen, brought in a report; Whereupon,

Resolved, That Congress have a due sense of the zeal of the Baron de Bonstellen for the service of the United States; but that it is not compatible with the present arrangement of the army to employ him in a station suited to his military pretensions, nor consistent with the principles established for rank and promotion therein, to grant him the brevet he requests.

That nevertheless, in consideration of the great expences he has incurred in performing a voyage from Europe to these States, and while residing here, with a view of employing his military talents in their service, a passage be provided for the said Baron de Bonstellen and his servant, from hence to France, at the charge of these States, and that the Marine Committee be, and they are hereby directed to provide such passage accordingly.[1]

Resolved, That the remainder of the report be referred to the Marine Committee, to take order thereon.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. [Henry] Marchant, delegate for the State of Rhode island, on his application, for six thousand dollars; for which the said State is to be accountable.

That on the application of the Board of War a warrant issue on the treasurer, in favour of Joseph Carleton, paymaster of the said Board, for one million dollars, to enable them to continue their purchases of cloathing requisite for the army; for which sum the said Joseph Carleton is to be accountable.[2]

Adjourned to 10 o'Clock to Morrow.

[1] This report, dated November 19, is in the *Papers of the Continental Congress*, No. 147, II, folio 613.

[2] This report, dated November 22, is in the *Papers of the Continental Congress*, No. 136, III, folio 825.

TUESDAY, NOVEMBER 23, 1779

The President laid before Congress a letter, of July 6, from Mr. Van der Capellan to Governor Trumbull, of Connecticut, which the governor had transmitted to him for this purpose:

Ordered, That the same be referred to the Committee of the whole.

According to order, Congress was resolved into a committee of the whole, and after some time the President resumed the chair, and Mr. [George] Plater reported, that the committee have had under consideration the report of the committee on ways and means, and come to a resolution thereon, which he was directed to report: but not having come to a conclusion desire leave to sit again:

Resolved, That on Thursday next Congress be resolved into a committee of the whole to consider farther the report of the committee on ways and means:

The report being read,

"That bills of exchange be drawn on Mr. J. Jay, to the amount of one hundred thousand pounds sterling, and on Mr. Henry Laurens to the amount of one hundred thousand pounds sterling, payable at six months sight; and that the same be sold at the current rate of exchange."

A division was called for, and that the first question be, that bills of exchange be drawn on Mr. J. Jay, to the amount of £100,000 sterling, payable at six months sight; and that the same be sold at the current rate of exchange.

On which the yeas and nays being required by Mr. [James] Forbes,

New Hampshire,			*Pennsylvania,*		
Mr. Peabody	ay	ay	Mr. Searle,	ay	
Massachusetts Bay,			Shippen,	ay	ay
Mr. ~~Gerry~~	~~no~~		M'Lene,	ay	
Lovell,	ay		*Maryland,*		
Holten,	ay	ay	Mr. Plater,	ay	
Partridge,	no		Forbes,	no	div.
Connecticut,			*North Carolina,*		
Mr. Huntington,	ay		Mr. Harnett,	ay	
Sherman,	no	no	Sharpe,	ay	ay
Root,	no		*South Carolina,*		
New York,			Mr. Mathews,	ay	ay
Mr. Schuyler,	ay				
Livingston,	ay	ay			
New Jersey,					
Mr. Witherspoon,	ay				
Scudder,	ay				
Fell,	no	ay			
Houston,	ay				

So it was resolved in the affirmative.

The question was taken on the second part: resolved in the affirmative.[1]

Resolved, That a committee of three be appointed to report on the manner of carrying the above resolution into effect:

The members chosen, Mr. [Robert R.] Livingston, Mr. [John] Mathews and Mr. [Elbridge] Gerry.

Resolved, That a member be appointed to the Board of War, in the room of Mr. [Samuel] Atlee:

The member chosen, Mr. R[obert] R. Livingston.

Resolved, That the Board of Treasury be authorized to appoint one or more special commissioners of accounts in conjunction with any one or two of the commissioners already appointed, to proceed to Maryland, in order to settle such public accounts as the said Board shall direct.

Adjourned to 10 oClock to Morrow.

[1] Statements, prepared in January, 1780, and showing the manner in which those bills were disposed of among the different States, are in the *Papers of the Continental Congress,* No. 34, folios 39, 51, 65, 71, and 73.

WEDNESDAY, NOVEMBER 24, 1779

The delegates of Connecticut laid before Congress their credentials, which were read, as follows:

At a general Assembly of the Governor and Company of the State of Connecticut in America, holden [at] Hartford, in said State, on the second Thursday of October, Anno Domini, 1779.

Resolved by this Assembly, that the Delegates chosen to represent this State, in the Congress of the United States for the current Year, ending on the first Monday of November next, shall continue to represent this State in said Congress, with the same Powers, Privileges and Instructions, as were given them for the current Year, until the first Day of March next.

A true Copy of Record,

examined By GEORGE WYLLYS, *Secretary.*[1]

The delegates of New Hampshire laid before Congress the credentials of their appointment, which were read, as follows:

STATE OF NEW HAMPSHIRE.
IN THE HOUSE OF REPRESENTATIVES,
November 3d, 1779.

Voted, That Woodbury Langdon, Esquire, and Nathaniel Peabody, Esquire, the Delegates for this State at the Continental Congress, or Either of them in the Absence of the Other, have full power to represent this State in the Continental Congress, until released, or recalled by order of the General Assembly of this State.

Sent up for Concurrence,

JOHN LANGDON, *Speaker.*

In Council the same day, read and concurred

E. THOMPSON, *Secretary.*

Copy Examined by E. THOMPSON, *Secretary.*[2]

A letter, of this day from Don Juan de Miralles, was read:[3]

[1] The original is in the *Papers of the Continental Congress,* Connecticut, *Credentials of Delegates.*

[2] The original is in the *Papers of the Continental Congress,* New Hampshire, *Credentials of Delegates.*

[3] A copy of this letter is in the Washington Papers, *Letters to Washington,* 32, folio 387.

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [John] Mathews, Mr. [Philip] Schuyler, and Mr. [Roger] Sherman.

A letter, of 6 October, from W. Bingham at Martinique, was read, with sundry papers enclosed:

Ordered, That the same be referred to a committee of three:

The members chosen, Mr. [Robert R.] Livingston, Mr. [Roger] Sherman, and Mr. [Henry] Marchant.

Three letters, of 28 July, 1779, from Amsterdam, with two papers enclosed, were read:

Ordered, That the same be referred to the Committee of Foreign Affairs.

Resolved, That two members be added to the said committee:

The members chosen, Mr [William Churchill] Houston and Mr [Robert R.] Livingston.

A letter, of 23, from the Board of War, was read:

Ordered, That it be referred to the Marine Committee to take order thereon, and that the quarter master be discharged from procuring a vessel to forward stores to South Carolina, as directed by the resolution of the 11th instant.

A petition from John Burrows, was read, enclosing sundry papers:

Ordered, That it be transmitted to the commissary general of prisoners.

On petition of John Palfrey,

Resolved, That the order of the 22d on his former petition be reconsidered and repealed, and that the said petition be referred to the president and supreme executive council of Pensylvania to take order thereon.

A letter, of 22d, from Doctor J. Morgan, was read:[1]

[1] The Palfrey petition is in the *Papers of the Continental Congress*, No. 42, VI, folio 232; the Morgan letter, in No. 63, folio 143.

Ordered, That the same be transmitted to the Commander in Chief, Doctor Shippen being first furnished with a copy thereof.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. N[athaniel] Scudder, one of the delegates for the State of New Jersey, on his application, for five hundred dollars; for which the said State is to be accountable:

That on the application of Charles Pettit, assistant quarter master general, a warrant issue on Gerard Bancker, Esq. treasurer of the State of New York, in favour of Major General Greene, Q. M. G. for six hundred and seventeen thousand dollars, being part of the monies raised in the said State for the use of the United States, to be paid to Colonel Morgan Lewis, deputy Q. M. G. at Albany, for the use of the department; for which sum Major General Greene is to be accountable.[1]

A report from J. Gibson, auditor general, was read:

Ordered, That it be referred to the Board of Treasury.

Adjourned to 10 o'Clock to Morrow.[2]

THURSDAY, NOVEMBER 25, 1779

The committee on the quarter masters and commissary's department laid before Congress a letter, of 24, from Chaloner and White, assistant purchasing commissaries, which was read:[3]

Ordered, That it be referred to the Board of Treasury.

[1] This report, dated November 23, is in the *Papers of the Continental Congress*, No. 136, III, folio 833.

[2] A letter of Governor Livingston, dated November 22, is in the *Papers of the Continental Congress*, No. 68, folio 483, and is endorsed as having been read on this day.

[3] This letter is in the *Papers of the Continental Congress*, No. 78, V, folio 425.

A report from the Board of War was read; Whereupon, Congress came to the following resolutions:

Whereas Congress, by sundry resolutions, have provided that cloathing be furnished to officers of the line and others at prices proportioned to their pay; but no enumeration of the articles intended to be comprehended in a suit of cloaths, having been made or any rules explicitly laid down for the delivery of, or payment for the same:

Resolved, That the following articles be delivered as a suit of cloaths for the current and every succeeding year of their service, to the officers of the line and staff, entitled by any resolution of Congress to receive the same, viz.

One hat, one watch coat, one body coat, four vests, one for winter and three for summer, four pair of breeches, two for winter and two for summer, four shirts, four stocks, six pair of stockings, three pair thereof worsted and three of thread, four pair of shoes.

For which articles of cloathing the officers shall pay, on receipt thereof, one half more than the prices at which the same were currently sold before the commencement of hostilities in April, 1775; and for this end, the purchasing agents employed on continental account shall transmit to the cloathier general, with the cloathing they shall respectively purchase, the prices marked thereon at the rates aforesaid, and also correct invoices of the same, and copies of such rates and invoices, to the Board of War. And all cloathing purchased on continental account by the respective states shall be valued, marked and invoiced in like manner, and copies of such invoices and rates also transmitted to the Board of War and the cloathier general: the cloathing so purchased shall be distributed to and among the sub or state cloathiers, to be issued by them to the regimental cloathiers, and by the latter to the officers of the regiments and corps; and the said regimental cloathiers shall receive from the officers, on delivery of

the cloathing, the prices thereof so fixed; and they shall every three months settle their accounts of monies received for cloathing with the auditors of the army in which they shall serve, and pay the monies which in such settlements shall be found chargeable to them or in their hands, to the pay master general or deputy pay master general of the army or detachment in which such regimental cloathiers shall serve. And the said pay master general or deputy pay master general shall make returns of the amount of all such monies so received to the Board of Treasury, that the said pay master general or deputy pay master general may be duly charged with the same. The auditors making such settlements with the regimental cloathiers, shall transmit to the pay master or deputy pay master general abstracts of such settlements, specifying the balances due from the regimental cloathiers respectively, that in cases of neglect, they may be duly called on for payment of the same: copies of such abstracts shall also be transmitted to the Board of Treasury. Excepting from this rule of distribution all staff officers not taken from the line, who are to receive their cloathing immediately from the cloathier general; or, if attached to the corps of or residing in any State at a distance from the cloathier general's store, from the sub-cloathier of such State; paying for the same at the rates aforesaid. And all monies so received by the cloathier general or sub or state cloathiers, shall be placed to the credit of the United States, and accounts thereof duly transmitted to the Board of Treasury. The cloathier general to be charged in the settlement of his contingent account with the monies so received, and the sub or state cloathiers to be accountable for and pay the monies received by them, to the order of the executive of the State appointing them respectively; and the State to be charged in its cloathing account with the amount of such monies. Excepting also all staff officers who receive commissions on their expenditures of

public monies, who are not to receive any cloathing provided at continental expence.

That all cloathing issued to non-commissioned officers and soldiers, inlisted artificers and waggoners, beyond that allowed to them as a bounty, shall also be valued and paid for at the rate before mentioned; but no non-commissioned officer, soldier, waggoner or artificer, shall be entitled to purchase in any one year, out of the public store, any other additional articles than those of hats, hose, shirts and shoes, and not more of these than are absolutely necessary, and not exceeding the number of the like articles allowed as their bounty cloathing.

That all the cloathing before-mentioned for officers in the line and soldiers, shall be issued on returns certified by the commanding officer of the corps to which they belong; all cloathing to staff officers on the certificates of their principal with the army or in the district within which they shall serve; to artificers, on the certificate of the commanding officer of their corps; and to waggoners on the certificate of the quarter master general, one of the assistant quarter masters general or of the deputy quarter master general employing them, or of the waggon master general or deputy waggon master general under whom they serve.

That no staff officer, artificer or waggoner, not being engaged for at least one year, shall receive cloathing; and if any such officer, artificer or waggoner, being engaged for one year or more, after receipt of such cloathing, shall quit the service before the expiration of the term for which he or they are or shall be engaged, he or they shall forfeit and pay the full value of such cloathing, and be subject to all other penalties and inconveniences attending his or their breach of contract, or desertion.[1]

[1] This report, dated November 23 (present, Col. Pickering and Mr. Peters), is in the *Papers of the Continental Congress*, No. 147, II, folio 617.

Congress proceeded to the election of a commissioner of the Board of Treasury; and, the ballots being taken,

John Gibson was elected.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Roger] Sherman, in the following words:

"Whereas it may be highly injurious to the interests of these United States, to permit candidates for public offices to vote in or otherwise influence their own elections:

Resolved, That Congress will not appoint any member thereof during the time of his sitting, or within six months after he shall have been in Congress, to any office under the said states for which he or any other for his benefit may receive any salary, fees or other emolument."

Whereupon, it was moved by Mr. [Robert R.] Livingston, seconded by Mr. [James] Searle, to postpone the consideration thereof:

On which the yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,			*New Jersey*,		
Mr. Peabody,	no	no	Mr. Scudder,	no	
Massachusetts Bay,			Fell,	ay	ay
Mr. Gerry,	no		Houston,	ay	
Lovell,	no	no	*Pennsylvania*,		
Holten,	no		Mr. M'Lene,	no	no
Partridge,	no		*Maryland*,		
Rhode Island,			Mr. Plater,	ay	
Mr. Marchant,	no	no	Forbes,	ay	ay
Connecticut,			*Virginia*,		
Mr. Huntington,	no		Mr. Griffin,	no	*
Sherman,	no	no	*North Carolina*,		
Root,	ay		Mr. Harnett	no	
New York,			Sharpe,	no	no
Mr. Schuyler,	ay		*South Carolina*,		
Livingston,	ay	ay	Mr. Mathews	no	no

So it passed in the negative.

A motion was made by Mr. [Philip] Schuyler, seconded by Mr. [William] Sharpe, after the words "in Congress," to insert the words "unless he shall have been deprived of his seat by the act of the legislature of the State which he represented."

On which the yeas and nays being required by Mr. [Nathaniel] Peabody,

New Hampshire,			*New Jersey,*		
Mr. Peabody,	no	no	Mr. Fell,	no	no
Massachusetts Bay,			Houston,	no	
Mr. Gerry,	no	no	*Pennsylvania,*		
Lovell,	no		Mr. Shippen,	no	no
Holten,	no		M'Lene,	no	
Partridge,	no		*Maryland,*		
Rhode Island,			Mr. Plater,	ay	ay
Mr. Marchant,	no	no	Forbes,	ay	
Connecticut,			*Virginia,*		
Mr. Huntington,	no	no	Mr. Griffin,	no	*
Sherman,	no		*North Carolina,*		
Root,	ay		Mr. Harnett,	no	div.
New York,			Sharpe,	ay	
Mr. Schuyler,	ay	ay	*South Carolina,*		
Livingston,	ay		Mr. Mathews,	no	no

So it passed in the negative.

A motion was made by Mr. [Philip] Schuyler, seconded by Mr. [William] Sharpe, to add to the original motion as follows, "unless to the office of ambassador, plenipotentiary or envoy to a foreign state, and unless to the office of a commissioner to negotiate a foreign loan."

On which the yeas and nays being required by Mr. [Nathaniel] Peabody,

New Hampshire,			*Rhode Island,*		
Mr. Peabody,	no	no	Mr. Marchant,	no	no
Massachusetts Bay,			*Connecticut,*		
Mr. Gerry,	no	no	Mr. Huntington,	no	no
Lovell,	no		Sherman,	no	
Holten,	no		Root,	ay	
Partridge,	ay				

New York,			*Maryland*,		
Mr. Schuyler,	ay	ay	Mr. Plater,	ay	div.
Livingston,	ay		Forbes,	no	
New Jersey,			*Virginia*,		
Mr. Fell,	ay	div.	Mr. Griffin,	ay	*
Houston,	no		*North Carolina*,		
Pennsylvania,			Mr. Harnett,	ay	ay
Mr. Shippen,	no	no	Sharpe,	ay	
M'Lene,	no		*South Carolina*,		
			Mr. Mathews,	no	no

So it passed in the negative.

The previous question was then moved by Mr. [Samuel] Holten, seconded by Mr. [Henry] Marchant.

On which the yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,			*New Jersey*,		
Mr. Peabody,	no	no	Mr. Fell,	ay	ay
Massachusetts Bay,			Houston,	ay	
Mr. Gerry,	no	div.	*Pennsylvania*,		
Lovell,	ay		Mr. Shippen,	ay	div.
Holten,	ay		M'Lene,	no	
Partridge,	no		*Maryland*,		
Rhode Island,			Mr. Plater,	ay	ay
Mr. Marchant,	ay	ay	Forbes,	ay	
Connecticut,			*Virginia*,		
Mr. Huntington,	ay	ay	Mr. Griffin,	no	*
Sherman,	no		*North Carolina*,		
Root,	ay		Mr. Harnett,	ay	ay
New York,			Sharpe,	ay	
Mr. Schuyler,	ay	ay	*South Carolina*,		
Livingston,	ay		Mr. Mathews,	no	no

So it passed in the affirmative, and the main question was set aside.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Richard Philips, steward of the President of Congress, for two thousand dollars; for which he is to be accountable.

That on the application of the Medical Committee, the following warrants issue in favour of Doctor Isaac Forster, deputy director general of the eastern department, amounting to one hundred and fifty thousand dollars, for the use of his department; for which he is to be accountable, viz:

One on the treasurer for twenty thousand dollars; one on the commissioner of the continental loan office for the State of Massachusetts bay, for one hundred and thirty thousand dollars:

That a warrant issue on the treasurer, in favour of Mr. J[ohn] Witherspoon, one of the delegates for the State of New Jersey, on his application, for sixteen hundred dollars; for which the said State is to be accountable.[1]

The committee, to whom was referred the letter, of 4, from J. Beatty, commissary of prisoners, brought in a report: [2]

Ordered, That the same be taken into consideration on Saturday next.

The committee, to whom was referred the extract of a letter from the navy board to the Marine Committee, brought in a report, which was read.

The committee, to whom was referred an extract of a letter from the Navy Board of the Middle District to the Marine Committee, of the 7th instant, respecting James Anderson, beg leave to report:

That, whereas Congress on the 9th of February, 1779, resolved, that it be recommended to the several states to enact laws for the most speedy and effectual recovery of debts due to the United States of America, but no provision is made thereby, how such suits shall be instituted, or by whom,

Resolved, That the name and stile of these united States be *The United States of America*, and that they be so described in all actions or Suits brought by them for the recovery of any debt or damage.

That the Board of Treasury be authorised to appoint from time to time an attourney or attournies to prosecute Suits or actions in the name of the United States of America, as the case may require.

[1] This report, dated November 23, is in the *Papers of the Continental Congress*, No. 136, III, folio 829.

[2] Printed under December 1, 1779, p. 1337, *post*.

That the Navy Board be directed to make enquiry into the charge against James Anderson for selling the hemp belonging to the public, and thereupon advise the State Attourney with respect to his being further prosecuted or not, as they shall judge proper.[1]

The committee on the quarter master's and commissary's department, to whom was referred a letter from E. Blaine, brought in a report:

The Committee on the Commissary and Quarter Master General's department, to whom was referred the Memorial of Colonel Ephraim Blaine, D. C. General of purchases, beg leave to report,

That they are clearly of opinion the method practised for purchasing provisions for the army and fleet of these States and of our Ally, tends directly to excite a competition, enhance the price and retard and embarrass that whole business, Whereupon

Resolved That the Commissary General be directed immediately to furnish an estimate of the provision wanted for the ensuing year for the armies and fleets of these States, and of our Ally, in order that Congress may determine the quantity of provision each State shall furnish.

Postponed

Resolved, That thereupon it be recommended to the several States to take effectual measures to procure the quantities of provision required of them respectively, and to deliver the same to the Commissary General on account and for the use of the United States, in such time and manner as he shall direct.

Postponed

That no purchasers of provision on public account be allowed in any of the States but such as are employed by and have a license from the executive powers of such State.

Postponed

And that all provision wanted by our Ally be regularly and timely delivered by the Commissary General to the order of the French Agent or Consul out of the stores provided as aforesaid.

Postponed

That the Commissary General confer with the French Consul or Agent respecting the supplies of provision that may be wanted for our Ally. That the Commissary Gen! transmit to the Treasury

[1] This report, in the writing of Jesse Root, is in the *Papers of the Continental Congress*, No. 19, I, folio 77. It is endorsed "August 24, 1781. Not to be acted upon."

Postponed

board every six months an account of the provision received from the respective States, and also of the provisons shall deliver as aforesaid for the use of our Ally.[1]

Ordered, That the same be taken into consideration on Monday next.

On motion of Mr. [Henry] Marchant, seconded by Mr. [Jesse] Root,

Resolved, That the ~~various~~ departments ~~of the civil staff belonging to the army~~ of the quarter master general and of the commissaries general of purchases and issues, be for the future under the superintendency and direction of the Board of War, and that the committee of Congress on those departments deliver over to the Board of War all papers in their hands respecting them, and thereupon be discharged.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, NOVEMBER 26, 1779

A letter, of 18, and one, of 20, from General Washington, were read:[2]

Ordered, That the letter, of 18, be referred to a committee of five:

The members chosen, Mr. [John] Mathews, Mr. [Philip] Schuyler, Mr. [Roger] Sherman, Mr. [Elbridge] Gerry, and Mr. [William Churchill] Houston.

Ordered, That the report of the committee, to whom was referred the report of the Board of War on the construction of the resolution of March 15, 1779, be referred to the foregoing committee.

[1] This report, in the writing of Jesse Root, is in the *Papers of the Continental Congress,* No. 19, I, folio 365. See under December 2, p. 1343, *post.*

[2] These letters are in the *Papers of the Continental Congress,* No. 152, VIII, folios 175, 181. The first is printed in the *Writings of Washington* (Ford), VIII, 110.

Ordered, That the letter, of 20th, be referred to the committee appointed to correspond with the commanding officer of the southern department.

A letter, of this day, from J. Gibson, was read, accepting the office of commissioner of the Board of Treasury.[1]

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. N[athaniel] Peabody, one of the delegates for the State of New Hampshire, on his application, for five thousand dollars; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. J[esse] Root, one of the delegates for the State of Connecticut, on his application, for two thousand dollars; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of W. Kinnan, copper plate printer to the United States, for fifteen hundred dollars; for which he is to be accountable.[2]

A report from the Board of War was read; Whereupon,

Resolved, That the returns for cloathing for officers in the medical staff, (regimental surgeons and their mates, who are to draw with the regimental staff, excepted) be signed by the director general or the physician general and surgeon general of the district, and such cloathing shall be delivered either by the cloathier general, or any sub-cloathier in the State in which the officer to receive cloathing shall reside, as is provided in the cases of other staff officers not taken from the line:

That no cloathing shall be sold or delivered to non-commissioned officers or soldiers beyond the articles they have received as their bounty, until the whole of the army

[1] This letter is in the *Papers of the Continental Congress,* No. 78, X, folio 179.

[2] This report, dated November 26, is in the *Papers of the Continental Congress,* No. 136, III, folio 841.

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shall have received their bounty cloathing, it being the intention hereof that the surplus only shall be disposed of.[1]

Mr. [James] Forbes desires that Mr. Stone, whom he put in nomination to be appointed a commissioner of the Board of War, be withdrawn, he being appointed one of the council of the State of Maryland.

Mr. [George] Plater communicated to the house an extract of a letter:

Ordered, That the same be referred to a committee of three to enquire into the intelligence contained in the said extract.

The members chosen, Mr. [George] Plater, Mr. [William Churchill] Houston, and Mr. [Nathaniel] Peabody.

On motion of Mr. [Philip] Schuyler, seconded by Mr. John] Mathews,

Resolved, That when any committee appointed by Congress have prepared their report, the same shall be delivered to the secretary at the table, who shall immediately endorse thereon the day of delivery, and if more than one are delivered on the same day, the first shall be endorsed No. 1, the second No. 2, and so on, to the intent that on the following day, after the journals, and any despatches which may have been received, and the reports from the Board of Treasury and Board of War are severally read, decided upon or postponed, the reports of the committees may be read in the order of the dates and numbers endorsed on them.

Postponed

That all reports which have been already delivered to the President, shall be taken up in the order in which they were delivered, and before any others that may here after be delivered.[2]

The committee appointed to correspond with the commanding officer of the southern department, to whom was referred the letter, of 20, from General Washington, brought in a report, which was read.

[1] This report, dated November 25, is in the *Papers of the Continental Congress*, No. 147, II, folio 621.

[2] This motion, in the writing of Philip Schuyler, is in the *Papers of the Continental Congress*, No. 36, IV, folio 351.

The Committee appointed to correspond with General Lincoln and to whom was referred the letter of the 20th inst, from General Washington, Report,

That General Washington be informed the North Carolina Brigade alone will by no means be a sufficient reinforcement for the defence of the Southern department; and that unless farther aid can be immediately sent to General Lincoln, the total loss of the two States of South Carolina and Georgia will in all probability follow. It is therefore become indispensably necessary to detach a larger part of the Continental forces to the aid of Southern department.

Therefore, *Resolved*, That General Washington be directed to order one thousand men in addition to North Carolina troops to proceed immediately to join General Lincoln. And that the Commander in Chief be authorized to order out the militia of the States of Pennsylvania, New Jersey and New York, (if he shall think it necessary) not exceeding 1500 men to supply the place of the troops ordered to the Southward.[1]

The committee appointed to report on the resolutions, of 23, delivered in a report;

The Committee appointed to report the manner in which the resolution of the [23] day of November, instant, relative to the drawing bills of Exchange on Mr Jay and Mr Lawrence shall be carried into execution, report the following resolutions:

1. *Resolved*, That the bills be prepared under the direction of the Board of Treasury, and with such checks as they may devise to prevent counterfeits, and be signed by the Treasurer of Loans.

2d *Resolved*, That a proportion of the Bills, to the amount of seventy thousand pounds stirling, be remitted by the Board of Treasury to the Continental Commissioner of Loans at Boston, thirty-five thousand of which to be drawn upon Mr Jay, and the remainder upon Mr Lawrence.

Postponed

3d *Resolved*, That a proportion of the said bills to the amount of thirty thousand pounds stirling, be remitted by the Board of Treasury to the Continental Commissioner of Loans for the State of South Carolina, at Charlestown, fifteen thousand pounds of which to be drawn upon Mr Jay, the remainder upon Mr Lawrence.

Postponed

[1] This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 19, VI, folio 283. The report was recommitted on the 27th.

4th *Resolved*, That bills for the residue of the money to be drawn for be placed in the hands of the Treasurer of Loans at Philadelphia.

Postponed

5th *Resolved*, That the said Treasurer, and the said Commissioners of loans for the States of Massachusetts Bay and South Carolina respectively, shall be empowered to dispose of the said bills at the current price, or at such price as the Board of Treasury shall from time to time direct.

Postponed

Resolved, That the person or persons disposing of such bills be directed to take a duplicate receipt or certificate from the purchasers, which certificate shall express the marks and numbers of the bills, the amount of the sum mentioned therein, and the consideration for which they were sold, one of which certificates shall be transmitted to the Treasury, and the other retained by the said loan officers respectively.

6. *Resolved*, That the said several persons report weekly, or by every post, to the Board of Treasury the current rate of exchange at the several places at which they reside.

Postponed

7th That the Board of Treasury may at their discretion suspend the sale of such bills, or report to Congress their reasons for so doing, that they may receive their directions thereon.

8th That the Committee of Foreign affairs be directed to write to Mr. Jay and Mr. Lawrence informing them of the drafts that will be made upon them, and explaining fully the reasons that urge Congress to draw, directing them to keep up a mutual correspondence and to afford each other every assistance in procuring the money to pay the bills.

9th *Resolved*, That ⅛ pr cent on monies received in payment for the said bills shall be allowed to the persons intrusted with the sale thereof.[1]

Also the committee, to whom was referred the memorial of Mr. Simitière, delivered in a report.

The Committee, to whom was Referred the Memorial of Pierre Eugene du Simitière, of the 22 July last, report:

That they have considered the subject of the said Memorial and have been frequently addressed by the Memorialist, who has given

[1] This report, in the writing of Robert R. Livingston, is in the *Papers of the Continental Congress*, No. 26, folio 91. It was in part adopted November 29.

them a full explanation of the design and extent of his work, and of the plan he proposes in the conduct and execution of it, a sketch of which is herewith enclosed for the inspection of Congress.

That they have carefully examined the collections of the Memorialist, in order to determine, as precisely as possible, on the sufficiency of his materials, and find that they have been made with great care and attention, are large and well assorted, and must have been obtained at a very considerable expense.

That the said collections consist of a variety of scarce and curious books, both printed and manuscript, of maps, charts, plans, drawings, of productions, natural and artificial, of extracts from records and other public muniments, of notes, observations, and remarks made by the Memorialist in the course of his reading or while travelling through the different parts of North America, all relating to the subject of his intended work.

That the said work, though designed more especially as Memoirs relative to that part of North America which comprehends the territories of the United States, will extend also to Nova Scotia, Canada and the Northern Counties, and Southward to the Florida's and Bahama Islands.

On the foregoing state, the Committee beg leave to propose the following resolutions:

Whereas Pierre Eugene du Simitière, of the City of Philadelphia, hath with great industry and at much expense, collected materials for a literary work, to be entitled "Memoirs and observations on the origin and present state of North America" and hath solicited Congress to grant him encouragement in preparing and publishing the same; and whereas Congress are fully satisfied, that a work of this nature will greatly tend to diffuse useful knowledge,

Passed.

Resolved, That Congress for the encouragement of the said Mr Du Simitière, for carrying on and completing his said undertaking, recommend to the several states upon the [*an obliterated line*] to afford him such assistance as may be most beneficial to him in rendering his said work complete and useful.

Resolved, That the sum of two thousand dollars in Continental bills, or other Currency equivalent be paid yearly to the said Mr Du Simitière for three years, the better to enable him to proceed in and finish the same.

Passed

The Committee beg leave further to report that as the collections of the said M^r^ Du Simitière under the article of history are particularly ample, and he has paid great attention to the study thereof, and as some honorary distinction, by which he may become more publicly known will much conduce to his better success in the aforementioned work;

Negatived

Resolved, That the s^d^ Pierre Eugene du Simitière be appointed Historiographer to the Congress of the United States.[1]

The delegates of Pensylvania laid before Congress an extract from the proceedings of the general assembly of Pensylvania, relative to Captain Lee's and Captain Porter's companies in Colonel Lamb's regiment of artillery:

Ordered, That it be referred to the Board of War.

Congress proceeded to the election of commissioners for the board of admiralty, and the ballots being taken,

Thomas Waring, Esq. and William Whipple, Esq. were elected.[2]

Adjourned to 10 oClock to Morrow.

SATURDAY, NOVEMBER 27, 1779

A memorial, dated 26, from the hon^ble^ ~~Chev^r^ de la Luzerne,~~ the Minister Plenipotentiary of France, was read, enclosing a copy of letter, of 25, from Don Juan de Mirailles:

Ordered, That the same be referred to the committee on the letter, of 24th, from Don Juan de Mirailles.

A memorial of Robert Martin was read:

[1] This report, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 19, II, folio 175. It is endorsed: "Received, November 26, 1779. December 27, To be considered Friday, December 31."

[2] "The third Commissioner is not yet elected, but will probably be a Gentleman from some one of the more central States, it being tho't beneficial to the whole to take the Commissioners from different parts of the United States."—*Huntington to Waring*, November 27, 1779. Waring was from South Carolina, and Whipple from New Hampshire.

Ordered, That it be referred to the Board of Treasury to take order thereon.

A petition of Coenradt Flaake and Albartus Van Loon was read:[1]

Ordered, That it be referred to the Board of Treasury.

A letter, of 23, from S. Deane, was read.

The committee on Major General Sullivan's letter, of 9th, and,

The committee on the report of the Treasury, of the 5th instant, brought in their reports:

Your Committee to whom was referred the report of the Treasury of the 5 November, 1779, beg leave to submit the following resolutions:

That warrants in the form herein after mentioned be drawn on the Treasurers of the several States, payable in four months from the date, for sums not exceeding 20,000 Dollˢ nor less than 500 Dlˢ.

That those in whose favor the same are drawn be credited on the same a discount of two per cent, being the interest of the sums specified in the same for the said term.

That such sums be paid to the said persons or their assigns on the day of payment by the respective Treasurers or their successors in office, or, in Default thereof as soon as may be thereafter, together with Interest from that Day at the rate of six per cent.

That the said Treasurers do accept such bills whensoever they shall be presented to them; and that the sums paid on such warrants be charged to the United States on the day of payment, and afterwards liquidated in the accounts of the several States according to the Resolutions of the 6 and 7th of October last.

[1] Luzerne's memorial and Miralles's letter are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 414, 415. The memorial of Martin is in the *Papers of the Continental Congress*, No. 41, VI, folio 149; the Flaake petition, dated the 12th, is in No. 42, III, folio 37.

Form of the warrants.

To the Treasurer of the State of

No.

Sir

Pay to or his assigns Dollars in four months from the Date hereof.

By order of Congress the Day of 1779.

A B, *Presd.*[1]

The reports delivered in being read,

Congress took into consideration the report of the committee on the letter of the 17th October last, from Major-General Schuyler; Whereupon Congress agreed to the following answer to the said letter:

Sir:

Notwithstanding the many injuries committed by the savages, Congress are disposed to peace; the conditions on which they insist are,

First, that it shall be supplicated on the part of the enemy; secondly, that they shall surrender all the Americans in their hands; thirdly, that they shall expel all British agents and emissaries; fourthly, that they shall covenant to deliver up such as shall hereafter go among them; fifthly, that they shall covenant not to take up the hatchet again under penalty of being driven from their country; and sixthly, that they shall give hostages for their strict adherence to the promises to be by them made.

Congress further wish that they make considerable Offers of Territory, which may stand recorded against them, and serve as the most pointed marks of their contrition; but they mean that the Commissioner should decline an acceptance of the Offer to convince them of the superior Generosity of America, compared with their Experience of others. At the same time, if any of the Inhabitants

[1] This report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 26, folio 93. It is endorsed: "November 29. Consideration postponed. Referred to committee of whole."

have just Claims for Damages done, Congress do not wish to preclude them; on the contrary, it is their Desire that it should be expressly left open in the Treaty, so as to be afterward settled in a fair and equitable Manner by Commissioners from the Whites and Indians.[1]

To which it was moved by Mr. [James] Forbes, seconded by Mr. [William Churchill] Houston, to add "and that Congress are willing to accept of any cession of territory which the said Indians may be inclined to make to the United States, reserving to any particular State their right of a prior claim to the territory aforesaid, or any part thereof."

An amendment was moved by Mr. [Robert R.] Livingston, seconded by Mr. [Philip] Schuyler, to add, "which cession shall be for the benefit of such State as may have a prior right."

On which the yeas and nays being required by Mr. [James] Forbes,

New Hampshire,		*Pennsylvania,*	
Mr. Peabody,	no } no	Mr. Searle,	no }
Massachusetts Bay,		Muhlenberg,	no } no
Mr. Gerry,	ay }	M'Lene,	no }
Holten,	ay } ay	Shippen,	no }
Rhode Island,		*Maryland,*	
Mr. Marchant,	no } no	Mr. Forbes,	no }
Connecticut,		Plater,	no } no
Mr. Huntington,	no }	*Virginia,*	
Sherman,	no } no	Mr. Griffin,	ay } *
New York,		*North Carolina,*	
Mr. Schuyler,	ay }	Mr. Harnett,	ay }
Livingston,	ay } ay	Sharpe,	ay } ay
New Jersey,		*South Carolina,*	
Mr. Fell,	no }	Mr. Mathews,	no } no
Houston,	no } no		

So it passed in the negative.

[1] This letter, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 19, V, folio 311.

The previous question was then moved by Mr. [Elbridge] Gerry, and seconded by Mr. [William] Sharpe.

On which the yeas and nays being required by Mr. [James] Forbes,

New Hampshire,			*Pennsylvania,*		
Mr. Peabody,	ay	ay	Mr. Searle,	ay	ay
Massachusetts Bay,			Muhlenberg,	ay	
Mr. Gerry,	ay	ay	M'Lene,	ay	
Lovell,	ay		Shippen,	ay	
Holten,	ay		*Maryland,*		
Partridge,	ay		Mr. Plater,	no	no
Rhode Island,			Forbes,	no	
Mr. Marchant,	no	no	*Virginia,*		
Connecticut,			Mr. Griffin,	ay	*
Mr. Huntington,	ay	ay	*North Carolina,*		
Sherman,	ay		Mr. Harnett,	ay	ay
New York,			Sharpe,	ay	
Mr. Schuyler,	ay	ay	*South Carolina,*		
Livingston,	ay		Mr. Mathews,	ay	ay
New Jersey,					
Mr. Fell,	no	no			
Houston,	no				

So it passed in the affirmative, and the main question was set aside.

A motion was then made by Mr. [Henry] Marchant, seconded by Mr. [James] Forbes, "That it be one condition of the peace, that no land be sold or ceded by any of the said Indians, either as individuals or as a nation, unless to the United States of America or by the consent of Congress."

On which the previous question was moved by Mr. [Elbridge] Gerry, seconded by Mr. [William] Sharpe, and the yeas and nays being required by Mr. [Henry] Marchant,

New Hampshire,			*Pennsylvania,*		
Mr. Peabody,	no	no	Mr. Searle,	ay	ay
Massachusetts Bay,			Muhlenberg,	ay	
Mr. Gerry,	ay	ay	M'Lene,	ay	
Lovell,	ay		Shippen,	ay	
Holten,	ay		*Maryland,*		
Partridge,	ay		Mr. Plater,	no	no
Rhode Island,			Forbes,	no	
Mr. Marchant,	no	no	*Virginia,*		
Connecticut,			Mr. Griffin,	ay	*
Mr. Huntington,	ay	ay	*North Carolina,*		
Sherman,	ay		Mr. Harnett,	ay	ay
New York,			Sharpe,	ay	
Mr. Schuyler,	ay	ay	*South Carolina,*		
Livingston,	ay		Mr. Mathews,	ay	ay
New Jersey,					
Mr. Fell,	ay	ay			
Houston,	ay				

So it was resolved in the affirmative, and the main question was set aside.

Congress took into consideration the report of the committee on General Washington's letter, of 20; and some time being spent thereon,

Ordered, That it be re-committed.

Resolved, That two members be added to the committee on the memorial of the general officers in the room of Mr. [Jesse] Root and Mr. [Gouverneur] Morris.

The members chosen, Mr. [Roger] Sherman and Mr. [Cyrus] Griffin.

Adjourned to 10 o'Clock on Monday.

MONDAY, NOVEMBER 29, 1779

The delegates of New Jersey laid before Congress the credentials of their appointment for the year ensuing, which were read, as follows:

NEW JERSEY, *Novr. 17th, 1779.*

The Council and Assembly met at Mountholly and in Joint Meeting proceeded to the Election of three Delegates to represent this State in Congress, and the Votes being taken, the honourable John Fell, William Churchill Houston and Thomas Henderson, Esquires, were duly elected.

Resolved, therefore, That the said John Fell, William Churchill Houston and Thomas Henderson, Esquires, or any two of them, be impowred to represent and Vote in behalf of this State in the Congress of the United States of North America, from the first day of December next, until the first day of December in the Year of our Lord one thousand seven hundred and eighty, unless a new appointment shall sooner take place. It is nevertheless expected that all the Delegates do constantly attend in Congress unless prevented by sickness or other accident.

The above is a true Copy from the Minutes of the Joint Meeting.

BOWES REED, *Secy.*[1]

A letter, of 31 October, from Major General Lincoln, was read,[2] enclosing a letter of the 25th of the same month, from Lieutenant Colonel Bedaulx, giving information of the death of Brigadier Count Pulaski, and a petition from the same,

Ordered, That they be referred to the Board of War.

Resolved, That a monument be erected to the memory of Brigadier Count Pulaski, and that a committee of three be appointed to bring in a resolution for that purpose:

The members chosen, Mr. ~~Griffin~~ [Elbridge] Gerry, Mr. [Robert R.] Livingston and Mr. [Cornelius] Harnett.

The Committee on the Treasury brought in a report; Whereupon,

Resolved, That ten million one hundred and forty dollars, being in full of the two hundred millions of dollars, be emitted on the faith of the United States, and under the

[1] The original is in the *Papers of the Continental Congress*, New Jersey, *Credentials of Delegates*.

[2] Lincoln's letter and enclosure are in the *Papers of the Continental Congress*, No. 158, folio 285.

direction of the Board of Treasury, in bills of credit of the following denominations, viz.

26,316 bills of 65 dollars,		1,709,640	26,316 bills of 40 dollars,		1,052,640
26,317	do. 60	1,579,020	26,316	do. 35	921,960
26,316	do. 55	1,447,380	26,316	do. 30	789,480
26,316	do. 50	1,315,800			
26,316	do. 45	1,184,220			10,000,140

That the said bills, excepting the numbers, be of the same tenor and date as the emissions directed on the 17th of November instant, and be numbered from the last number in every denomination progressively.

Resolved, That the treasurer be directed to retain in his hands four millions of dollars of the sum this day ordered to be emitted, for discharging such warrants as may be hereafter issued for supplying the several military chests.

Ordered, That a warrant issue on the treasurer, in favour of William Geddes, Esq. one of the commissioners of the chambers of accounts, for three thousand dollars to defray the expences of himself and the special commissioners appointed with him to repair to Maryland in order to examine and liquidate certain public accounts, for which sum the said William Geddes is to be accountable.[1]

That a warrant issue on the treasurer, in favour of David C. Claypoole, printer to Congress, for five hundred dollars, for the purpose of binding the journals of Congress; for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Robert Troup, Esq. secretary to the Board of Treasury, for fifteen hundred dollars, to defray the contingent expences of the Treasury; for which he is to be accountable.[2]

[1] This report, dated November 29, is in the *Papers of the Continental Congress*, No. 136, III, folio 845. The paragraph on the sum to be retained by the treasurer is not in the original report.

[2] This report, dated November 27, is in the *Papers of the Continental Congress*, No. 136, III, folio 843.

Congress took into consideration the report of the committee, ||late on the commissary and quarter master's departments, to whom was referred a letter of|| on the 10th of October last from J. Wadsworth, Esq. commissary general of purchases; Whereupon,

Resolved, That Jeremiah Wadsworth, commissary general of purchases, have leave to resign his office on the first day of January next, agreeable to his request, and that he settle his accounts with the public as soon after he is out of office as may be, agreeably to the directions of the Board of Treasury.[1]

The following gentlemen were put in nomination for the office of commissary general of purchases:

Charles Stewart, Esq. by Mr. [James] Searle; Ephraim Blaine, Esq. by Mr. [James] Forbes.

Resolved, That Thursday next be assigned for electing a commissary general of purchases.

Congress took under consideration the report of the committee appointed to report the manner in which the resolution of the 23 inst. relative to the drawing bills of exchange on Mr. Jay and Mr. Laurens, shall be carried into execution; Whereupon,

Resolved, That the bills be prepared under the direction of the Board of Treasury, and with such checks as they may devise to prevent counterfeits, and be signed by the treasurer of loans:

That so many of the bills as the Treasury Board shall, from time to time, think proper to issue, be put into the hands of the continental loan officer in the State of Pensylvania, or of any other State; and that the Board of Treasury direct the lowest rate of exchange at which the same may be sold:

That the Board of Treasury may, at their discretion, suspend the sale of such bills, reporting to Congress their reasons for so doing, that they may receive directions thereon:

[1] See under October 22, p. 1200, *ante*.

That the Committee of Foreign Affairs be, and they are hereby directed to write to Mr. Jay and Mr. Laurens, informing them of the drafts that will be made upon them, and explaining fully the reasons that urge Congress to draw, directing them to keep up a mutual correspondence and afford each other every assistance in procuring money to pay the bills:

That 1/8 per cent. on monies received in payment for the said bills, shall be allowed to the persons entrusted with the sale thereof:

That no bill be drawn for a less sum than the amount of fifty pounds sterling.

On the question to agree to the foregoing resolutions, the yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,		*New Jersey,*	
Mr. Peabody,	ay } ay	Mr. Fell,	no } div.
Massachusetts Bay,		Houston,	ay }
Mr. Gerry,	no } no	*Pennsylvania,*	
Partridge,	no }	Mr. Searle,	ay }
Rhode Island,		M'Lene,	ay } ay
Mr. Marchant,	ay } ay	Shippen,	ay }
Connecticut,		*Maryland,*	
Mr. Huntington,	ay } div.	Mr. Plater,	ay } div.
Sherman,	no }	Forbes,	no }
New York,		*North Carolina,*	
Mr. Schuyler,	ay } ay	Mr. Harnett,	ay } ay.
Livingston,	ay }	Sharpe,	ay }

So it was resolved in the affirmative.

The Commercial committee, finding by experience, that it will be impossible for any committee of Congress to conduct the Commercial affairs of the Continent with that attention and accuracy which is requisite, whilst they are obliged to attend their duty in Congress, beg leave to report as their opinion,

1st That a Board of Trade be established to consist of three Commissioners not Members of Congress, and two members of Congress; any three of whom to form a Board for the despatch of business, subject in all cases to the controul of Congress.

2d That there shall not be ~~not~~ more than one Member of the said Board at any time belonging to the same State.

3d That there shall be a Secretary to the said Board, to be appointed by Congress.

4th That the Board have power to appoint a clerk to assist them, and to hire warehouses as they may find necessary for the due execution of their business.

5th That the said Board be supplied with funds for carrying on their business as occasion shall require, by application to Congress for that purpose.

6th That the said Board be empowered to purchase and export at all such times and seasons as they may judge best, the produce of these states, or other articles suitable for remittances to Europe, and other parts of the world, for the purpose of discharging debts already contracted, fulfilling engagements already made, or to be made, and for such other purposes as Congress may from time to time order.

7th That they be empowered and directed by Congress from time to time, to order and import from proper places, such arms, ammunition, cloathing and other articles as may be deemed necessary for the public service, and to appoint suitable parts of their remittances to pay for the same, leaving the entire execution of all and every part or parts of said orders or instructions to the judgement of the Board.

8th That they be empowered to purchase or charter suitable shipping in any part of the world, wherewith to make the imports and exports, and if need there be, to insure at the public risque, a reasonable valuation on such as they may charter.

9th That they be empowered to employ such factors in the different states, as they shall think proper, allowing them not more than the usual mercantile commissions.

10th That they be empowered to employ factors in any other parts where the Congress have not appointed, or do not appoint Commercial Agents, allowing them not more than the customary mercantile commissions of the place, for the business they transact.

11th That they be empowered to call to account and displace all such agents and factors, who in their judgement do not conduct the public business entrusted to them, with advantage.

12th That they be empowered to enter into such contracts, agreements, or bargains with states, corporations, companies or individuals, as they may find necessary for the faithful and prudent execution of any part or parts of the business entrusted to them.

13th That all contracts, agreements, or bargains, made or entered into by the said Board of Trade, consistent with the powers and authorities vested in them at the time of making or entering into the same respectively, be binding and obligatory on the United States of America.

14th That the said Board keep regular and fair accounts of all their transactions in books to be provided for that purpose, which books shall be produced to Congress, or any Committee of Congress, whenever required, for their inspection, and the said Board shall settle their accounts, annually and deliver up the books of the year, to the Treasury Board for examination, carrying forward the balances into a new set of books to be provided for the year ensuing.

15th That the said Board report all their importations upon arrival to Congress, and dispose thereof agreeable to the general or particular orders, made for that purpose.

16th That each Commissioner of the said Board (not being a Member of Congress) shall receive a salary of dollars per annum, and that the Secretary shall receive a salary of dollars per annum, the said salaries to be annually, or oftener, if Congress shall judge it expedient, revised, and altered, agreeable to the appreciation of the Continental currency.[1]

The Committee to whom was referred a Petition of Azariah Horton, in behalf of the officers of the Mustering Department, and a letter from Genl Washington relative to the same subject, have considered sd Petition and letter and submit the following resolutions, viz:

Whereas it is unnecessary to continue the officers of Musters in Service, and the business of that Department may be performed to advantage by the Inspectors of the Army,

Resolved, that the Mustering Department be discontinued, and the officers thereof discharged.

And whereas the Commissary General of Musters has approved himself a good and faithful officer, and those who have been employed under him have given satisfaction in their offices,

Resolved, that the said Commissary General of musters and those officers who have continued in that Department under him for eighteen months last past shall be entitled to receive a sum equal to their pay respectively for the term of twelve months from this day.

[1] This report, in the writing of Francis Lewis, is in the *Papers of the Continental Congress*, No. 29, folio 311. It is endorsed: "Delivered November 29, 1779. August 24, 1781, not to be acted upon." No mention of the report is in the Journals.

Resolved that in future the business of mustering of troops be performed by the Inspectors of the Army in such manner, and under such regulations as the Commander in Chief shall direct, who is hereby authorized to make the arrangements, and report such arrangements to Congress.[1]

[Adjourned to 10 o'clock to-morrow.]

TUESDAY, NOVEMBER 30, 1779

Mr. [William] Ellery, a delegate for Rhode Island, attended, and took his seat.

An appeal from the judgment of a court of admiralty for the State of Pensylvania, on the libel Jonathan Harridan *vs. The Hope*, sloop of war, Joseph Blewer claimant, was lodged with the secretary and referred to the Committee on Appeals.

A letter, of 9th, from the governor of Rhode Island to the delegates of that State in Congress, was read:[2]

Ordered, That it be referred to the committee on the memorial of Captain Tyler.

A letter, of 11, from Captain Talbot to the hon[ble] H[enry] Marchant, Esq. was laid before Congress, and read; and referred to the Marine Committee:

Resolved, That to morrow be assigned for electing a commissioner of the Board of Admiralty:

The following gentlemen were put in nomination for that office.

John Nixon, Esq., by Mr. [William] Shippen; F[rancis] Hopkinson, Esq., by Mr. [Elbridge] Gerry.

A report from the Board of Treasury was read; Whereupon

Ordered, That on the application of Col. W. Palfrey, paymaster general, a warrant issue on the treasurer, in his favour, for two millions of dollars, to be by him forwarded to Joseph

[1] This report, in the writing of George Partridge, is in the *Papers of the Continental Congress*, No. 19, III, folio 187. It is endorsed as delivered November 29, 1779. See under January 12, 1780.

[2] This letter is in the *Papers of the Continental Congress*, No. 64, folio 462.

Clay, Esq. deputy paymaster general in South Carolina, for the supply of the military chest; for which the said W. Palfrey is to be accountable.

And that another warrant issue on the treasurer, on the like application, for one hundred and fifty thousand dollars, to be forwarded to John Boreman, deputy paymaster at Fort Pitt, for the use of the troops in the western department; for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. [Philip] Schuyler, one of the delegates of the State of New York, on his application, for two thousand dollars; for which the said State is to be accountable.[1]

The committee to whom was re-committed their report on a letter of the 20th, from General Washington, brought in a report; Whereupon,

Resolved, That a committee of two be appointed to repair to head quarters and confer with the Commander in Chief, on the state of the southern department:

That the said committee, previous to their departure, confer with the committee appointed to correspond with the commanding officer in the southern department, who are hereby directed to furnish them with all such intelligence relating to the same as has been received:

That the committee also confer with the Commander in Chief on the subject of the papers transmitted to Congress by the Minister Plenipotentiary of his most Christian majesty and Don Juan de Mirailles, and report to Congress such measures as to the conferrees may seem most advisable to be taken:

That the Commander in Chief apply to any of the states he may think proper for such number of militia as he may judge requisite, to replace the troops detached or which may be detached to the southward:

[1] This report, dated November 29, is in the *Papers of the Continental Congress*, No. 136, III, folio 849.

That it be earnestly recommended to the States of Virginia, North and South Carolina, to make draughts for compleating their Battalions ordered to the southern department, and that the said draughts, be sent forward to join their respective corps with all possible dispatch.[1]

The members chosen, Mr. [Philip] Schuyler and Mr. [Henry] Marchant.

Congress took into consideration the report of the committee on the letter of 6 October last from Mr. W. Bingham; Whereupon,

Resolved, That Mr. Bingham's letter of the 6 October last, with the papers enclosed therein, and marked No. 1, 2, 3, 4, together with a certified copy of his appointment to the place of continental agent, be transmitted by the President to the legislature of the State of Massachusetts Bay, with the following letter:

Gentlemen, I am directed by Congress to transmit you the enclosed papers from Mr. Bingham. They contain an account of his proceedings relative to a vessel said to be Danish property, captured by the sloop *Pilgrim*, and carried into Martinique, about which, as he says, a suit is now commenced against him in your superior court. Upon a full examination of the papers, you will judge of the measures which ought to be adopted to prevent, on the one hand, injustice to individuals, and on the other, the embarrassment of agents, who are obliged to conform to the will of the ruling powers at the place of their residence. As courts are now instituted at Martinique for the trial of such causes, Congress submit it to you whether it would not be advisable to stop the suit already commenced till judgment is obtained upon the principal question; after which it will be in Mr. Bingham's power to discharge himself by delivering to the true owners the property placed in his hands for their use. If you should be of a contrary opinion, they request you to furnish Mr. Bingham's agent with the enclosed papers.[2]

I am, &c.

[1] This report, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 19, VI, folio 259*.

[2] This report, in the writing of Robert R. Livingston, is in the *Papers of the Continental Congress*, No. 19, I, folio 345.

Congress took into consideration the report of the committee on the letter of 9th inst. from Major General Sullivan, which is as follows:

"That Congress have a just sense of the services and abilities of Major General Sullivan, and greatly regret the indisposition which deprives them of so gallant an officer; that as General Sullivan's health will not permit his continuance in the American army, his resignation be accepted."

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Nathaniel] Peabody, to strike out the words "that as General Sullivan's health," &c. to the end, in order to insert in lieu thereof "and that General Sullivan have leave to retire from the service so long as he shall judge necessary for the recovery of his health."

On the question, shall the words moved to be struck out stand?

The yeas and nays being required by Mr. [Nathaniel] Peabody,

New Hampshire,			*Pennsylvania,*		
Mr. Peabody,	no	no	Mr. Searle,	ay	ay
Massachusetts Bay,			Muhlenberg,	ay	
Mr. Gerry,	no	no	Shippen,	ay	
Lovell,	no		M'Llene,	ay	
Partridge,	no		*Maryland,*		
Rhode Island,			Mr. Plater,	ay	ay
Mr. Marchant,	no	*	Forbes,	ay	
Connecticut,			*Virginia,*		
Mr. Huntington,	ay	ay	Mr. Griffin,	ay	*
Sherman,	ay		*North Carolina,*		
New York,			Mr. Harnett,	no	no
Mr. Schuyler,	ay	ay	Sharpe,	no	
Livingston,	ay				
New Jersey,					
Mr. Fell,	ay	ay			
Houston,	ay				

So it was resolved in the affirmative.

On the question to agree to the report, resolved in the affirmative.

On motion of Mr. [Robert R.] Livingston, seconded by Mr. [Henry] Marchant,

Resolved, That the President be requested to return the thanks of Congress to Major General Sullivan for his past services.

On motion of Mr. [Robert R.] Livingston, seconded by Mr. [Nathaniel] Peabody,

Resolved, That the Board of War be directed to procure from the quarter master general, the commissaries general, the forage master and the barrack master general, a return of all the assistants, deputies, officers, agents, and other persons employed in their respective departments, the districts in which they are so employed, and the terms upon which they are engaged; and that such return be made by the first day of January next.

Ordered, That Mr. [Henry] Marchant have leave of absence:

That Mr. [Philip] Schuyler have leave of absence.

Adjourned to 10 oClock to Morrow.

WEDNESDAY, DECEMBER 1, 1779

A letter, of 24 November, from General Washington, was read.[1]

A petition of Dudley Saltonstall, late commander of the continental frigate, the *Warren*, was read:

Ordered, That it be referred to the Marine Committee.

A letter, of 16, and one, of 17 November, from Baron Steuben; and a letter, of 30 of the same month, from Captain Galvan, were read, accompanied with sundry certificates in favour of Captain Galvan:[2]

[1] This letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 122.

[2] Galvan's letter is in the *Papers of the Continental Congress*, No. 78, X, folio 183.

Ordered, That the same be referred to the Board of War.

A report from the Board of Treasury, was read; Whereupon,

Ordered, That on the application of Mr. [Cyrus] Griffin, one of the delegates for the State of Virginia, a warrant issue on the treasurer, in his favour, for ten thousand dollars, to enable him to purchase some necessary articles for the use of the Virginia troops in the continental army, to be repaid by a warrant in favour of the quarter master general on the treasurer of the said State, which is to be charged with the above sum until it is reimbursed.

That a warrant issue on the treasurer, in favour of Mr. J[ohn] Fell, one of the delegates for the State of New Jersey, on his application, for two thousand three hundred dollars; for which the said State is to be accountable.[1]

The committee, to whom was referred the memorial of the general officers &c. brought in a report.

The Committee appointed to take into consideration what allowance ought to be made to officers in the different Departments of the army, to whom the provision made by the Resolutions of Congress of the 18th August last doth not extend, and to whom was also referred the Memorial of the general officers, beg leave to report:

Whereas some of the Legislatures of the United States, have already passed laws to extend the half pay which Congress "resolved should be given to the officers in the army of the United States for and during the term of seven years next after the conclusion of the present war," for and during life to such officers as belong to the Battalions raised in such States respectively; and whereas Congress hath recommended to all the States and some have already entered into measures for making good the deficiency in pay occasioned by the depreciation of the bills of credit; and whereas the principle of equal dis tributive justice clearly point out, that such officers of the army who in point of such provision do not belong to any State should be provided for by the United States in general in the same manner. It is therefore,

[1] This report, dated December 1, is in the *Papers of the Continental Congress*, No. 136, III, folio 853.

Resolved, That all the General officers and officers of the military and civil staff of the army, now bearing commissions from Congress, or who may here after engage to serve in the Army of the United States under such commissions, and who are not by any former resolutions of Congress recommended to the attention of the States in general or any of them in particular, shall have their pay as the same hath heretofore been established made good by a liquidation of the different rates of depreciation from the time of such establishments, and that all monies which such officers may have received as pay, shall be charged to them, and the true value thereof liquidated in manner aforesaid.

That all such officers as aforesaid (general officers excepted) for whom no provision has been made in point of subsistence in lieu of rations withheld shall be allowed at the rate of one hundred dollars per month for every ration so withheld since the 18th day of August last, and a like sum for every ration that shall so be withheld in future.

That all such officers as aforesaid, General officers included, who shall continue to serve during the present war, shall from the conclusion thereof be entitled to and receive half pay for life, to be computed on the pay established for such officers next before the 1st day of January, 1777; and that the half pay of such officers who hold or may hold offices established since the said 1st day of January, 1777, shall be computed on the full pay reduced to real value, according to the rate of depreciation, when the office was established and the pay appointed. Provided always, that if less than a majority of the Legislatures of the several United States should only provide half pay for life, that then the provision hereby extended for life shall cease and determine at the end of seven years next after the conclusion of the present war.

And whereas Congress wish to afford a durable testimony of public gratitude to those virtuous Citizens, who braving the danger and distress incident on the military life, generously flew to the banners of freedom to support the just rights and liberties of their Country threatened with destruction by an unfeeling and unrelenting Tyrant, it is resolved:

That provision shall be made to give unto the present, or any future Commander in Chief of the Army of the United States, who shall serve as such before the conclusion of the present war, the quantity of ten thousand acres of land.

To every Major General so serving as aforesaid three thousand acres.

To every Brigadier general so serving as aforesaid 2000 acres, and to every other officer, noncommissioned officer and soldier, in the military and civil Departments of the Army, the quantity of 100 acres for every five dollars of monthly pay reduced to real value at the rate of depreciation when their appointments and pay were respectively established. Provided always that officers holding more than one commission shall only be allowed susbistence money, half pay and land on the Commission they hold in the military line of the army.

That all officers serving in the civil Departments of the army, and who now receive commissions on the money by them paid out, in lieu of pay, and who shall continue to serve during the war, shall be entitled to all the immunities, granted by the foregoing resolutions to officers bearing commissions under Congress, and on the like limitations and restrictions.

That if any of the officers and soldiers to whom lands are to be granted by these resolutions shall die before the conclusion of the war, their heirs or legal representatives respectively shall be entitled to the lands designed for them.

That the heirs or legal representatives of all such officers, as were in the army of the United States on the first of January, 1777, and who have since died whilst in the service, shall be entitled to the lands such officers would have respectively been entitled to if they had lived to the conclusion of the present war.

That the widows of all such officers aforesaid, and all officers of the Line, who have died or may die in the service of the United States, before the conclusion of the war, shall be entitled to the half pay such officers would have been entitled to had they lived to the end of the war.[1]

Congress took into consideration the report of the committee on the letter, of 4 November, from J. Beatty, commissary general of prisoners, ~~wherein the committee recommend,~~

~~That until the further order of Congress, such citizens of the United States as may be in captivity with the~~

[1] This report, in the writing of Philip Schuyler, is in the *Papers of the Continental Congress*, No. 21, folio 217.

~~enemy, although not taken in arms, shall be supplied by the commissary general of prisoners in the same manner as captive officers and soldiers of the continental army.~~[1]

The question to agree to the said report,

Passed in the negative.

A motion being made by Mr. [William] Sharpe, seconded by Mr. [Cyrus] Griffin, grounded on a letter of 22 October, from Major General Lincoln:

Ordered, That the motion and letter be referred to the Board of War.

The commissioners report,

That they have examined the account of Michael Smyser, referred to them by the Board of Treasury, and find, That there is due to him for the officers and privates of his company of the Pensylvania flying camp, from 22d October, to 16 November, 1776, the sum of four hundred and fifty nine dollars and 52/90, and for sundry arms belonging to the privates of his company lost or taken at Fort Washington, three hundred and forty seven dollars and 30/90, amounting in the whole to 806 82/90 dollars to be paid by his order to Michael Immle.

That they have examined the account of William Kinnan, copper plate printer, for his pay and board, from 29 July, to 25 November, and find a ballance of one hundred dollars due to him.[2]

Ordered, That the said accounts be paid.

Congress took into consideration the report of the committee on the post office; Whereupon,

Resolved, That the accounts of the post master general be referred to the Board of Treasury, to be by them adjusted and liquidated;

[1] This report, in the writing of John Fell, is in the *Papers of the Continental Congress*, No. 28, folio 60.

[2] This report, dated November 25, is in the *Papers of the Continental Congress*, No. 136, III, folio 837.

That the salary of the post master general be increased to three thousand five hundred dollars per annum, to commence the first day of September last:

That the comptroller's salary be encreased to two thousand five hundred dollars per annum, to commence on the said 1st day of September.

Ordered, That the remainder of the report be re-committed.

George Bryan, Esq. was put in nomination by Mr. [Roger] Sherman, as a commissioner of the Board of Admiralty, and by unanimous consent,

Congress proceeded to the election, and the ballots being counted no choice was made.

On motion of the committee for superintending the printing the journals,

Resolved, That a warrant issue in favour of Francis Hopkinson, for two hundred and sixty six dollars and two thirds of a dollar, as a ballance in full of his account against the committee who superintend the printing of the journals.

A motion was made by Mr. [William] Ellery, seconded by Mr. ~~Sherman~~ [Philip]Schuyler relative to Congress's removal from the city of Philadelphia:

Ordered, That the consideration thereof be postponed till to morrow.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, DECEMBER 2, 1779

Mr. W[illiam] Floyd and Mr. Ezra L'Hommedieu, delegates for the State of New York, attended, and having severally produced an exemplification signed by the governor, and with the great seal of the State appendent, of a commission to delegates for that State in Congress, in which their names are included. they took their seats in Congress.

A letter, of 2, from Morgan Connor, lieutenant colonel commandant of the 7th Pensylvania regiment, was read, requesting leave of absence, that he may make a voyage to the West Indies for the recovery of his health, and enclosing a letter of 23 November from General Washington, approving his request and referring him to Congress for obtaining it; Whereupon,

Resolved, That Lieutenant Colonel Morgan Connor have leave of absence for six months, that he may make a voyage to the West Indies for the recovery of his health.

A letter, of 26 November, from J. Wadsworth, commissary general of purchases, and a letter of 22d of the same month, from H. Champion, deputy commissary general of purchases, were read:[1]

Ordered, That they be referred to a committee of three:

The members chosen, Mr. [Robert R.] Livingston, Mr. [William] Ellery, and Mr. [William Churchill] Houston.

A copy of a declaration of war by Spain against Great Britain, made at Havannah in the island of Cuba, was laid before Congress:

Ordered, That it be referred to the committee on the letter from Don Juan de Mirailles.

A letter, of 1, from R. Troup, secretary of the Board of Treasury, and J. Nourse, assistant auditor general, was read, expressing their thanks for the offices with which Congress have been pleased to honor them.[2]

A report from the Board of Treasury, was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. J[ohn] Mathews, one of the delegates for the State of South Carolina, on his application, for five thousand dollars; for which the said State is to be accountable.

[1] Connor's letter is in the *Papers of the Continental Congress*, No. 78, V, folio 429; that of Washington is on folio 433; that of Wadsworth, in No. 78, XXIV, folio 133; that of Champion, in No. 78, V, folio 421.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XXII, folio 657.

That a warrant issue on the treasurer, in favour of John Dier Mercier, one of the commissioners of the chambers of accounts, for four thousand dollars on account of his salary.[1]

A report from the Board of War was read; Whereupon,

At a Board of War, *December 1, 1779.*

Present: Col. Pickering and Mr. Peters.

The Board having taken into consideration the distress'd situation of Mon^{sr} L. Eglise, and having conversed with Gen^{l} Schuyler on the subject of his services and sufferings, and being satisfied of the truth of the account given by Mons^{r} L. Eglise of his sacrafices and risks in an employment he undertook at the instance of Gen^{l} Schuyler which merit some acknowledgement and consideration, beg leave to report.

Resolved, That Mons. l'Eglise receive the pay and subsistence of a captain, during the pleasure of Congress;

That so soon as cloathing shall be provided for the staff of the army, and the State cloathier of New York shall be thereby enabled to deliver out the same, he be directed by the Board of War to furnish Mons. l'Eclise with a suit of cloaths on the terms on which cloathing is delivered to the officers of the staff, agreeably to the regulation of the 25 ultimo.[2]

The committee, to whom was referred the petition of Isaac Tyler, of Providence, in the State of Rhode island, commander of the private sloop of war, named the *Dolphin*, praying for relief against a decree of the general assembly of the said State, ordering restitution of the schooner *Betsy* with her cargo and apparel to Zechariah Foot, David Corning and Ebenezer Corning, all of Yarmouth, in the province of Nova Scotia, from whom the same was captured by the petitioner, brought in a report, which was read; Whereupon,

That Congress ought not to Interfere with the Authority of any particular State in the Administration of Justice toward the Citizens or Subjects of such State, in any Case wherein no complaint is made of injury done thereby to any other person or State, or to the United States.

[1] This report, dated December 2, is in the *Papers of the Continental Congress*, No. 136, III, folio 857.

[2] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 625.

Ordered, That the said Petition be dismissed.[1]

The committee, to whom was referred the letters, of 29 September, and 6 October last, from the navy board at Boston, delivered in their report.

Resolved, That the said Navy board were guilty of a breach of orders in not purchasing the prize ship *Thorn* agreeable to directions given them by the Marine Committee for that purpose—and that Congress do highly disapprove of the Conduct of the said Navy Board.[2]

The committee, to whom was referred the letter, of 23 September, from J. Bradford, continental agent at Boston, delivered in their report.

That although it does not appear that Mr Bradford had positive orders at the time he begun the sale of the goods taken in the prizes in August last, to retain the Continental part thereof, yet as we presume, he must have been sensible how much those articles were wanted for the army and other publick uses, and it being also in the line of his duty to be sufficiently informed that the prices of those articles were much higher in general, than the *regulated* prices at Boston were, common prudence, and the least attention to the interest of these States ought to have dictated to him to withhold the disposal of the Continental part thereof.

Therefore, *Resolved*, That Congress disapprove Mr Bradford's conduct in disposing of the Continental share of the rum and sugar which were in the prizes taken by the *Providence*, *Queen of France*, and *Ranger*, in August last, and carried into Boston.[3]

Resolved, That instructions be sent to the respective Agents under the authority of these United States, That they do not in future, on any consideration dispose of any part of the Continental share of prizes, unless it be of such articles as are in a perishable state, without orders for that purpose.[4]

Passed

Congress took into consideration the report of the ‖late‖ committee on the ‖quarter master and commissary gen-

[1] This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 19, VI, folio 105.

[2] This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 28, folio 185a.

[3] "The above postponed to Monday."

[4] This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 19, I, folio 401.

eral's departments, to whom was referred a‖ memorial of E. Blaine, deputy commissary general of purchases, of 27 October last; Whereupon,

Resolved, That the Board of War be directed to report to Congress, an estimate of the provisions wanted for one year from the 1st instant, for the army of the United States; and that they inform themselves from the consul of France what provisions will probably be wanted for the fleets of our ally in the ensuing year, and also report the same.[1]

Resolved, That the Marine Committee be directed to report to Congress an estimate of the provisions that will be wanted for one year, from the 1st instant, for the navy of the United States.

Resolved, That the remainder of the report be postponed.

Congress proceeded to the election of a commissary general of purchases; and, the ballots being taken,

Ephraim Blaine, Esq. was elected.

A motion was made by Mr. [John] Mathews, seconded by [Philip] Schuyler, relative to the commissary general of purchases:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Roger] Sherman, Mr. [William] Ellery, and Mr. [Robert R.] Livingston.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, DECEMBER 3, 1779

A letter, of 2, from Edward Fox, was read:

Ordered, That it be referred to the committee on the intelligence given by Mr. [Henry] Laurens.

A memorial from Isaac Truax was read:

Ordered, That it be referred to the Board of Treasury.

[1] This report, in the writing of Philip Schuyler, is in the *Papers of the Continental Congress*, No. 27, folio 99.

A memorial from Lieutenant Colonel Klein was read, and dismissed.[1]

Congress proceeded to the election of a commissioner for the Board of Admiralty; and, the ballots being taken,

George Bryan, Esq. was elected.

The members of Congress elected for the said Board, are Mr. [William] Floyd, and Mr. [James] Forbes;

Mr. J. Brown was elected secretary of the Board of Admiralty.

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. S[amuel] Holten, one of the delegates for the State of Massachusetts bay, on his application, for five thousand dollars, for which the said State is to be accountable.[2]

Congress took into consideration the motion made byMr. [William] Ellery, seconded by Mr. [Philip] Schuyler; Whereupon,

Resolved, That Congress on their adjournment, the last Saturday of April next, will adjourn from the city of Philadelphia.

Resolved, That the consideration of the place to which Congress will on the day above mentioned adjourn, be postponed to the first Monday in January next.

General Sullivan was put in nomination, as a commissioner of the Board of War, by Mr. [Nathaniel] Peabody.

AT A BOARD OF WAR, *December 3, 1779.*

Present, Col. Pickering and M^r^ Peters.

Divers letters and papers from the Government of the State of Massachusetts Bay having at different times been referred by Congress to this Board, and the same having been considered: We beg leave to report thereon as follows:

[1] The letter of Fox is in the *Papers of the Continental Congress*, No. 78, IX, folio 295; the memorial of Truax is in No. 41, X, folio 75, and that of Klein, in No. 41, V, folio 19.

[2] This report, dated December 3, is in the *Papers of the Continental Congress*, No. 136, III, folio 861.

Whereas many Officers and soldiers, who have been, and some who now are in the Continental Army, and others who have been at different times detached to reinforce said army, by various inevitable accidents while in the service, have lost their arms, accoutrements, blankets and necessary cloathing: or have been wounded in battle, or have fallen sick on their march, and in consequence thereof, either on the way or at their own homes have incurred great expences; and as the like losses and expences may frequently be incurred hereafter; and no effectual provision having been made for the sufferers in such cases:

Resolved, That all such Officers, Soldiers and others above mentioned who have lost or shall lose their arms, accoutrements, blankets or necessary cloathing (the same being private property, and not furnished at the expence of the United States) either by being themselves taken captive, or wounded in battle, or by any other inevitable accident, without any fault or negligence of their own, the same so appearing by the certificate of their Commanding Officer then present: shall be allowed for the articles aforesaid so lost what the same were or may be reasonably worth when lost: provided that no allowance shall be made for any of the articles aforesaid which shall be alleged to have been stolen: Such allowances, in the cases of officers and soldiers remaining in the army, to be adjusted by the Auditors of accounts with the army, or any detachments thereof, and paid out of the military chest; and in other cases either by those Auditors, or by the Governments of the respective States to which such sufferers did or shall belong when such losses happened or shall happen, in such manner as the governments shall direct: Such allowances in the former of these two cases to be paid as above directed out of the military chest, and in the latter out of the respective State Treasuries, and charged to the United States.

That all Officers and soldiers, and others as above described who since the commencement of the present war, and during the continuance thereof, have fallen or shall fall sick, on their march to or from Camp, or from one post to another, or on account of sickness contracted or wounds received in the service, have been or shall be permitted to return home, and thereby, either on the way, or at home have incurred or shall incur expences, shall have reasonable allowances for the same, on the presentation of their accounts to any

Deputy Director General of the Hospital, with proper certificates from their commanding officers, or the magistrate living nearest to the place where such expences accrued, or the select men or overseers of the poor of such place; and the several Deputy Directors General are hereby required to examine and pay such accounts accordingly.

And, whereas, neither by the act of the 22^{d} of April, 1777, nor the other act of Congress in addition thereto, passed the 20th of October, 1778, any provision is made for soldiers falling sick on their march when not under the care of their officers:

Resolved, That the Regulations in both those acts be, and they are hereby extended to soldiers falling sick as aforesaid when not under the care of their officers; and the private physicians, Surgeons and others affording them relief, shall be paid their reasonable demands therefor, on producing to the Deputy Director General of the district a certificate of the fact, under the hand of the nearest magistrate, or the select men or overseers of the poor of the place where such expences were incurred: Such physicians, Surgeons and others giving notice of such sick soldiers to the officers of the military hospitals agreeably to the directions of those acts.

And whereas, the Governments of some States have given relief in many of the cases before mentioned and paid and indemnified their Officers, Soldiers and others before described, for their losses and expences incurred as aforesaid:

Resolved, That all monies which have been so paid by any particular State, shall be deemed proper charges against the United States, and allowed in the settlement of the accounts of such State accordingly.

And whereas a successful termination of the present war will be equally advantageous to all the States in the Union: and justice requires that each should bear a proportionate part of the necessary Expenditures in raising men and furnishing supplies for the accomplishment of that event; and whereas it will probably happen that some States in raising men and furnishing supplies will have paid more than their just proportion of the whole necessary expenditures aforesaid:

Resolved, That at the close of the War, Congress will adopt some rule, the most just and equal that from a view of all circumstances can be devised, for reimbursing and indemnifying those States who as aforesaid shall have exceeded their just proportion of the whole necessary expenditures aforesaid, and for charging such excess on those States

which shall be deficient: to the end that perfect justice may be done among the States, and the burthen of our common defence laid equally on all.[1]

Adjourned to 10 o'Clock to Morrow.

SATURDAY, DECEMBER 4, 1779

A letter, of 29 November last, from General Washington, was read;[2] Whereupon,

Resolved, That General Washington be informed it is the desire of Congress, that the troops of the Virginia line be immediately put in motion, agreeeably to what is mentioned in the former part of his letter.

Ordered, That the letter be referred to the Board of War, and that the Board be instructed to take measures for carrying into execution the views of the General.

A letter, of 27 November, from General Washington, was read.

A letter, of this day, from Colonel L. Nicola, was read:

Ordered, That it be referred to the Board of War.

A letter, of 21, and one, of 24 November, from J. Wadsworth, were read:[3]

Ordered, That the letter, of 24th, be referred to the committee on his letter of the 26th.

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of the Board of War and Ordnance, a warrant issue on the treasurer, in favour of Joseph Carleton, paymaster to the said Board, for one million dollars, to enable them to continue their purchases of cloath-

[1] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 635. It is endorsed: "August 23, 1781. Not to be acted on."

[2] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VIII, folio 195; it is printed in *Writings of Washington* (Ford), VIII, 125.

[3] The Washington letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 193; that of Nicola, in No. 163, folio 180; a letter of Wadsworth, dated October 10 and read this day, is in No. 78, XXIV, folio 125; that of the 24th is on folio 129.

ing requisite for the army; for which the said J. Carleton is to be accountable.

That on the application of Mr. [John] Dickinson, one of the delegates for the State of Delaware, a warrant issue on the treasurer, in favour of his excellency Caesar Rodney, Esq. president of the said State, for thirty six thousand dollars, for the payment of the bounties allowed by Congress for the recruiting service; for which the said State is to be accountable.[1]

Ordered, The remainder of the report be postponed.

A motion was made by Mr. [James] Forbes, seconded by Mr. ~~Sherman~~ [John] Fell,

That Major General Charles Lee be informed that Congress have no further occasion for his services in the army of the United States of America.

On which the previous question being moved by Mr. [William] Ellery, seconded by Mr. [Elbridge] Gerry, and the yeas and nays being required by Mr. [William] Ellery,

New Hampshire,			*New Jersey*,		
Mr. Peabody,	ay	ay	Mr. Fell,	no	no
Massachusetts Bay,			Houston,	no	
Mr. Gerry,	ay	ay	*Pennsylvania*,		
Lovell,	ay		Mr. Muhlenberg,	ay	ay
Holten,	no		Shippen,	ay	
Partridge,	ay		*Maryland*,		
Rhode Island,			Mr. Plater,	no	no
Mr. Ellery,	ay	ay	Forbes,	no	
Connecticut,			*Virginia*,		
Mr. Huntington,	no	no	Mr. Griffin,	no	*
Sherman,	no		*North Carolina*,		
New York,			Mr. Harnett,	ay	div.
Mr. Livingston,	ay	ay	Sharpe,	no	
Floyd,	ay		*South Carolina*,		
L'Hommedieu,	ay		Mr. Mathews,	ay	ay

[1] This report, dated December 4, is in the *Papers of the Continental Congress*, No. 136, III, folio 865. A paragraph on Flower was postponed and passed on the 14th. See p. 1378, *post*.

So it passed in the affirmative, and the main question was set aside.

Resolved, That J. Wadsworth, Esq. be informed that Congress have agreed to accept of his resignation, and have elected Ephraim Blaine, Esq. to succeed him, but as Mr. Blaine has not yet signified his acceptance, and a failure of supplies may be attended with dangerous consequences, that Mr. Wadsworth, with the deputies under him, be desired to continue in the business of supplying the army, until his successor shall have accepted and shall be in capacity to enter upon and execute the duties of the office.

A report from the chamber of accounts on the memorial of Lewis Weiss, was read:

Ordered, That a copy thereof be transmitted to the director general, and that he be directed to report specially thereon.

Congress was resolved into a committee of the whole; and after some time, the President resumed the chair, and Mr. [George] Plater reported that the committee have had under consideration the report of the committee for regulating departments, and have directed him to report, that the same be referred to the committee on Mr. [John] Mathews motion of the 2d.

Resolved, That Congress agree to the said report.

Ordinance for establishing a Court of Appeals for finally determining captures.

Resolved, That the trials in the Courts of Admiralty in cases of captures be according to the usage of nations and not by Jury.

That all exhibits, evidence and proceedings, be in writing and at full length.

That the Judges of the Courts of Admiralty in the several states shall order and direct all captures to be inventoried and appraised in current money and according to current prices, which inventory and appraisement shall be filed in the said Court.

That a Court be established for the trial of all appeals from the Courts of Admiralty in these United States in cases of captures, to consist of three judges learned in the law, appointed and commis-

sioned by Congress; that any two of them in the absence of the other hold the said Court for the despatch of business.

That the said Court of Appeals have all the powers of a Court of record in fining and imprisoning for contempts and disobedience.

That the Courts of Admiralty and all officers of the said Courts pay obedience to the decrees and orders of the said Court of Appeals, so far as may be necessary for the carrying into execution the decrees of the said Court.

That the Judges of the said Court hold their sessions at the City of Philadelphia, in the State of Pennsylvania, at Williamsburg, in the State of Virginia, and at Hartford, in the State of Connecticut; and at such other places not to the eastward of Hartford nor to the southward of Williamsburg, and at such times, as they shall judge will be most for the public benefit.

That the Judges of the Court of Appeals be authorized to appoint a Register and Marshal of the said Court, and the same to remove at pleasure.

That all fines imposed by the Court of Appeals be collected by the Register and paid into the Continental treasury.

That in all cases (vid. last quere).

That no appeal be admitted, unless demanded within five days after Definitive Sentence in the Court of Admiralty, and lodged with the Register of the Court of Appeals within forty days afterwards.

~~(Quere. Ought there not to be a further proviso that~~ And unless the party appealing shall have given good and sufficient security to prosecute the said appeal to effect and be answerable for costs and charges, in case the sentence is confirmed.) See 25th November, 1775.

That each of the Judges of the Court of Appeals shall be allowed a salary at the rate of 30,000 dollars per annum for their services and expences, until the further order of Congress.

~~That for defraying the charges of the said Court of Appeals a duty of one per cent. on the appraised value of all prizes, the trial of which shall come before the said court, shall be paid into the Continental treasury, and that the surplusage, if any, shall go to the support of seamen disabled in the service of the United States.~~[1]

Adjourned to 10 o'Clock on Monday.

[1] This report, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 29, folio 375. It is endorsed December 5, 1779; but it also has a clause substituted for the last one and a vote taken upon it, which are entered on the Journals January 8, 1780.

MONDAY, DECEMBER 6, 1779

An appeal from the judgment of the court of admiralty for the State of New Jersey, on the libel Rufus Gardner, &c. *vs.* the brig *Sea Horse*, John Lynch, claimant, was lodged with the secretary and referred to the Committee on Appeals.

A letter, of 2, from General Washington, was read;[1] Whereupon,

Resolved, That General Washington be informed that Congress approve of Colonel Baylor's regiment of dragoons, at present commanded by Lieutenant Colonel Washington, being sent to South Carolina, and that the Board of War order them to proceed immediately to join Major General Lincoln.

A report from the Board of War was read; Whereupon,

AT A BOARD OF WAR, *December 2, 1779*.

Present, Col. Pickering and M^r^ Peters.

The Board beg leave to report:

That, Whereas, sundry officers holding commissions in the Army of the United States, have neglected when called upon, to join their Regiments; and have refused or neglected to appear before a Court Marshal and submit themselves to trial: and no authority having been heretofore given to Courts Martial, to enable them to proceed against such absentees; and whereas in many cases, unavoidable accidents may prevent absent officers from joining their Corps, of which it is reasonable they should have opportunity to exhibit the proper evidence,

Resolved, That all officers who have been or shall be indulged with furloughs, and who have not joined or shall not join their corps at the expiration of the times limited therein, and all officers absent without leave, shall, when

[1] Washington's letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 199.

practicable so to do, be personally notified and directed by the commanding officer of the corps, to join their regiment or corps in a reasonable time after receipt of such notification; and in case of neglect or refusal so to do, or to give satisfactory reasons for their remaining absent therefrom, a court martial, on proof made of such notice given and consequent neglect or refusal, shall proceed against such absentees, in the same manner as if they were present, and such absence and neglect or refusal to appear or give satisfactory reasons for their continuance of absence, shall be sufficient cause for cashiering, by judgment of the court martial, the officers so notified and neglecting or refusing:

That when, from the want of information of the residence of any absent officer or officers, the commanding officer of the corps or regiment shall not have it in his power to send a personal notification, he shall publish in the newspapers of the State, where such absent officer or officers belong and usually reside, an order requiring generally all absent officers belonging to such corps or regiment, to join the same in a specified time; and in case of neglect or refusal to appear within the time limited, or before the sitting of the court martial, if such space of time, in the opinion of the court, be reasonable and proper, such absentee or absentees shall be proceeded against in like manner with those receiving personal notice.

A copy of the above has been transmitted to Gen! Washington who has approved thereof. There are many cases depending on the passing a Regulation similar to the above.[1]

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Charles Thomson, secretary of Congress, on his application, for ten thousand dollars; for which he is to be accountable.

[1] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 631.

That a warrant issue on the treasurer, in favour of Mr. W[illiam] Floyd, one of the delegates for the State of New York, on his application, for five thousand dollars; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. W[illiam] Sharpe, one of the delegates for the State of North Carolina, on his application, for three thousand five hundred dollars; for which the said State is to be accountable.[1]

A report of the commissioners of the chambers of accounts on the accounts of Colonel Thomas Hartley, was read:

Ordered, That it be referred to the Board of Treasury.

The committee to whom was referred an extract of a letter communicated by Mr. [George] Plater, on 26 November last, with direction to enquire into the intelligence therein contained, brought in a report.

The Committee to whom an extract of a letter communicated by Mr Plater on 26th of November last, was referred, with direction to enquire into the intelligence therein contained, beg leave to Report:

That they have been attended by the person mentioned in the said Extract, whom they have particularly interrogated concerning the Contents thereof.

That he peremptorily denies any information having been given to him by any Member of Congress as set forth in the said Extract, but that the assertion was the result of his own opinion, and so expressed by him.[2]

The committee on the letter of 26 November, from J. Wadsworth, commissary general of purchases, delivered in their report.

That on Enquiry they find the Board of Treasury intend reporting a warrant in Favour of the said Commissary General, as soon as the state of the Treasury will admit the sum required, or any considerable part thereof, to be issued. And submit the following resolution and letter: [3]

[1] This report, dated December 6, is in the *Papers of the Continental Congress*, No. 136, III, folio 877.

[2] This report, in the writing of Nathaniel Peabody, is in the *Papers of the Continental Congress*, No. 19, V, folio 189.

[3] To this point the report, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 19, VI, folio 127.

Resolved, that the following letter be sent to the several States in the Union by the President.

Gen.ᵀ

While Congress congratulate you on the happy issue of the last campaign and your preservation (by the smiles of Providence) from the open or insidious attempts of a remorseless enemy, they cannot conceal from you the difficulties and embarrassments into which the depreciation of the currency and their attempt to restore its credit by a strict adherence to their resolution of the day of for putting a stop to further emissions have involved them.

The quantity of money in circulation renders the expenditures of the army enormously large; but these expenditures are considerably encreased by a general diminution of confidence in the currency, which induces many persons in the Community to lavish it in the purchase of any thing at any price rather than retain it in their hands or lend it to the public.

By these means commodities have already risen far beyond the price which their scarcity and the money in circulation would place them at, nor is there from the best calculations sums sufficient in these States to purchase the saleable articles. This evil must therefore Shortly cure itself, if the States will persist in the plan that has been chalked out to them, and enable Congress to restore the public confidence by carrying on the ensuing campaign without further emissions, and at the same time by heavy taxes add to the necessity which every man will then feel himself under of parting with his hoarded commodities. You reflect, Gentlemen, that Congress have no Legislative powers, that the success of their plans must depend upon the support they receive from the States in the Union. You will not be surprized therefore that they most earnestly entreat you, as you value the Independence of your Country, your own freedom, and the happiness of your posterity, to furnish with the utmost expedition, and without deduction the Quota assigned to you of the tax for carrying on the war. The military chest is empty, and the Treasury nearly exhausted. Should you reduce Congress to the necessity of encreasing by new emissions the money in circulation, you will give the most fatal blow to public credit, which one spirited exertion on the part of the respective States would restore. Let us then entreat you to make that exertion and punctually to remit to the public treasury the amount of your tax; Which that you may be the better enabled to do, it is earnestly recommended to you to

retrench every expense not absolutely necessary for the welfare of the State, particularly in calling out and stationing militia upon Frontiers not immediately in Danger of attack, since whatever is laid out in their support is so much deducted from what you might otherwise afford to the public treasury, greatly affects the supplies for the army, and lessens the facility of procuring them. These considerations should render every State extremely cautious of Drafting militia except upon the most urgent occasions, especially if we add thereto the mischiefs that result to the community from the loss of their labour.

You will be pleased to inform Congress or the Board of Treasury, what sums of money you have now in your Treasury to answer the demands of Congress, and what you will be able to collect by the first day of February next. I am &c.[1]

A report of the commissioners of the chambers of accounts on the accounts of Brigadier General Hogan, was read; Whereupon,

CHAMBER OF ACCOUNTS,
Philadelphia, December 3rd, 1779.

The Commissioners report,

That they have examined an account exhibited to them by Brigadier General James Hogan, for his rations during his command in this City from January 9th to the 22nd November, 1779, and find that there is due to him for Rations short drawn, as pr the Commissarys return—

Cwt.	qrs.	lbs.								
23	3	2	Flour valued at £50 pr ct	£1,188	7	9				
21	0	14	Beef do do	1,056	5	0	2,244	12	9
			And that he has overdrawn sundry small articles amounting as pr account to				174	8	6
			which leaves a balance due him of				2,070	4	3

Equal to five thousand, Five hundred and twenty dollars and fifty one ninetieths—

The Commissioners beg leave to remark that by a late Resolution of Congress, General officers commanding in a separate department

[1] This letter, in the writing of Robert R. Livingston, is in the *Papers of the Continental Congress*, No. 19, VI, folio 129.

are entitled to receive a reasonable allowance for their Table Expenses; and as General Hogan has not drawn the whole quantity of provisions allowed to a Brigadier General, and exhibits no other account against the Public, they are of opinion, that to encourage œconomy, he should be allowed the sum he charges, as payment of the undrawn provisions and other articles which he must necessarily have been obliged to purchase; However they submit the whole to the consideration of the Honble Congress.[1]

Ordered, That a warrant issue on the treasurer, in favour of Brigadier General Hogan, for ten thousand dollars, in full of his rations not drawn and his extra expences during his command in the city of Philadelphia, from the 9th January, to 22 November, 1779.

Congress took into consideration the report of the committee on a plan for establishing a court of appeals for finally determining on captures on water, and some progress being made therein,

Ordered, That the farther consideration thereof be postponed.

A note from the hon. the Minister Plenipotentiary of France was read, relative to the capture of an English vessel, the *Greyhound*, by eight American sailors:

Ordered, That a certified copy of the resolution of October 14, 1777, be transmitted to the Minister, and that he be informed it is the pleasure of Congress that the money arising from the sale of the capture be paid to the captors, agreeably to the said resolution.

Adjourned to 10 oClock to Morrow.

[1] This report is in the *Papers of the Continental Congress*, No. 136, III, folio 869. Two paragraphs, on Lotbinier and Evans, are printed under December 7, p. 1359, *post*.

TUESDAY, DECEMBER 7, 1779

A letter, of 4, from Captain W[illiam] Burke, was read,[1] giving information that his vessel [the *Henry*], on board of which were stores for the Continent, was, on her passage from Boston, cast away on Brigantine Beach, and desiring advice how to proceed:

Ordered, That it be referred to a committee of two to take order:

The members chosen, Mr. [John] Mathews, and Mr. [William Churchill] Houston.

A letter, of November 8, from Lieutenant Colonel Charles Simms, was read, desiring leave to resign:

Ordered, That his resignation be accepted.

A letter, of 4, from General Washington, was read:

A letter, of 6, from G. Bryan, Esq. was read, declining to accept the office of commissioner of the Board of Admiralty.

A letter, of 16 November, from Governor Jefferson, of Virginia, was read:[2]

Ordered, That it be referred to the Board of War.

The Committee on ~~the letter of 6 November from Jeremiah Wadsworth~~ the Post office and the committee appointed to prepare a resolution for carrying into effect the resolve ordering a monument in memory of Brigadier General Count Pulaski; also,

The committee, to whom was referred the letter, of the 2d November last, from the governor of Connecticut;[3] and the committee on the letter, of 18 November, from General Washington, brought in their several reports.

[1] This letter is in the *Papers of the Continental Congress*, No. 78, III, folio 407.

[2] Simms's letter is in the *Papers of the Continental Congress*, No. 78, XV, folio 479; that of Washington, in No. 152, VIII, folio 283; that of Bryan, in No. 78, III, folio 411; and that of Jefferson, in No. 71, I, folio 287.

[3] See under December 28, p. 1416, *post*.

The Committee to whom was referred a letter from General Washington, of the 18 November last, with an abstract of the returns of the army, and the report of the Committee to whom was referred the Report of the Board of War, on the construction of a resolution of Congress, of the 15 March 1779, beg leave to report:

That each State annually, during the continuance of the war, in the month of October be informed by Congress of the deficiency of its quota of troops, and called upon to furnish by draught or otherwise, men for its complement, or for such part thereof, as Congress may from time to time, judge necessary.

Passed

That the men to be so furnished join the army by the 1st of January in each year, and serve until the first of January in the next succeeding year, unless sooner discharged.

Passed

That the Commander in Chief, or Commanding Officer of the respective department be authorized and directed to appoint an Officer or Officers in each Battalion, to enlist such of the recruits as may be willing to engage for the war, allowing Two hundred dollars to every soldier who may so enlist, and Ten dollars to the Officer enlisting him.

Passed

That the Commander in Chief be directed on or before the first of October annually, to transmit to Congress a return of the army specifying the number of Troops from each State, and the Recruits necessary to complete its quota.

Passed

That in addition to the recruits to be furnished by the first of April next, each State be required to furnish by draught or otherwise, men to supply the place of such of their troops whose time of service will expire in April, June and September next, and that the men so supplied join the army before the times of service of the said Troops shall respectively expire, and continue in service until the first of January, 1781.

That it be earnestly recommended to the several States to abolish all State, County and Town Bounties to recruits for the Continental Army.

And Whereas on the 14th of April, 1777, Congress passed the following resolution, viz: "That it be recommended to the Legislatures of each of the United States, to enact laws exempting from actual service any two of the Militia, who shall within the time limited by such laws, furnish one able bodied recruit to serve in any Battalion of the Continental Army, for the term of three years, or during the pres-

ent war: Such exemption to continue during the term for which the recruit shall inlist, every such recruit to be entitled to the Continental bounty and other allowances."

Resolved that it be recommended to the several States to repeal their laws made in pursuance of the Resolution aforesaid.

The Committee ask leave to sit again.[1]

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. E[zra] L'Hommedieu, one of the delegates for the State of New York, on his application, for five thousand dollars, for which the said State is to be accountable:

That on the application of Charles Pettit, Esq. assistant quarter master general, the following warrants issue in his favour for account of Major General Greene, quarter master general, for the use of his department; and for which he, the said General Greene, Q. M. G., is to be accountable, viz;

One on John Lawrence, Esq. commissioner of the continental loan office in the State of Connecticut, for five hundred thousand dollars;

And one on Thomas Smith, Esq. commissioner of the continental loan office for the State of Pensylvania, for three million dollars.[2]

The commissioners report,

That there is due to Monsr. Lotbinier, chaplain to Colonel Livingston's regiment, for his pay and subsistance for the month of November last, two hundred and forty dollars:

That there is due to George Evans for an entertainment ordered by a committee of Congress in consequence of a resolution for that purpose, ten thousand three hundred and eighty eight dollars and sixty ninetieths:[3]

[1] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 19, VI, folio 257.*

[2] This report, dated December 7, is in the *Papers of the Continental Congress*, No. 136, III, folio 881.

[3] See note under December 6, p. 1356, *ante*. The entertainment was in compliment to the Minister of France.

Ordered, That the said accounts be paid.

Congress proceeded to the election of a commissioner for the Board of Admiralty; and, the ballots being taken,

Francis Lewis, Esq. was chosen.

Congress proceeded to the election of a commissioner of the Board of War; and, the ballots being taken,

Colonel William Grayson, was chosen.

Congress resumed the consideration of the report of the committee for establishing a court of appeals; after some time,

Ordered, That it be referred to a committee of the whole.

Congress was then resolved into a committee of the whole, and after some time, the President resumed the chair, and Mr. [George] Plater, reported that the committee have had under consideration the report referred to them and made some progress therein, but not having come to a conclusion, desire leave to sit again.

Resolved, That on Friday next, Congress be resolved into a committee of the whole to consider farther the report of the committee on the plan for establishing a court of appeals.

Resolved, That two members be added to the Committee on Appeals, in the room of Mr. [Henry] Marchant and Mr. [Jesse] Root:

The members chosen, Mr. [Ezra] L'Hommedieu and Mr. [William] Ellery.

Ordered, That Mr. [Cornelius] Harnett have leave of absence.

Adjourned to 10 oClock to Morrow.

WEDNESDAY, DECEMBER 8, 1779

Mr. Thomas Burke and Mr. Allen Jones, delegates for the State of North Carolina, attended, and produced their credentials, which were read, as follows:

STATE OF NORTH CAROLINA.

In General Assembly, 26 October, 1779.

The Committee, who were appointed to Superintend the Balloting for Delegates to represent this State in Congress the Ensuing year, Reported, That by a Majority of the votes of both Houses of the General Assembly, Whitmill Hill, Thomas Burke and Allen Jones, Esquires were Elected as Delegates.

The House taking the said Report into consideration, concurred therewith.

A. NASH, S. S.
THOS: BENBURY, S. C.

By Order
THO SITGREAVES, C. S.
J HUNT, C, H. C.[1]

STATE OF NORTH CAROLINA.

In General Assembly, 28th October, 1779.

Resolved, That Whitmill Hill, Thomas Burke and Allen Jones, Esquires, Delegates appointed by the present General Assembly to represent this State in Congress the ensuing year, in conjunction with John Penn, Cornelius Harnett and William Sharpe, Esquires, be and they are hereby invested with the same powers and Authorities that the Delegates appointed by any former Assembly of this State were invested with.

Resolved, that His Excellency the Governor be impowered and requested to make out Commissions to Whitmill Hill, Thomas Burke and Allen Jones, Esquires, as Delegates, certifying the powers and Authorities which they are invested with, to which the great Seal of this State shall be affixed.

A NASH S. S.
THOS: BENBURY S. C.

By Order,
JNO SITGREAVES C. S.
J. HUNT, C H. C.[1]

A letter, of 28 July, from Amsterdam, and one without date, from A. Lee, were read:

A letter, of this day, from F. Lewis, was read, signifying his acceptance of the office of commissioner of the Board of Admiralty.

[1] The original is in the *Papers of the Continental Congress*, North Carolina, *Credentials of Delegates.*

A letter, of 7, from E. Blaine, was read.[1]

A letter, of 7, from the Board of War, was read; Whereupon,

WAR OFFICE, *December 7, 1779.*

The Board are extremely embarrassed in their attempt to execute the orders of Congress on the subject of the Troops intended to reinforce the southern army. From a want of information of the probability of a convoy to guard the Transports if they could be provided from Chesapeak, and the seeming impracticability of providing Transports in that Bay, we have ordered on the North Carolina Brigade by water to Christeen, thence to the head of Elk by land, and from thence to Petersburg in Virginia by water. The wagons attached to the Brigade are ordered on to Petersburg, as there is a great appearance of impracticability in providing wagons in Virginia. All the information we have collected from Gentlemen having the latest knowledge of the situation of that country tends to evince the opinion we have formed, that it will be next to impossible for the Troops to march by land in any time short enough to be of use in the relief of the country against an invasion in force by the Troops of the Enemy, even if those Troops are yet to be sent from the City of New York. The rapidity of their Transportation and safety of convoy will give them every advantage, and altho' in our circumstances every thing must be attempted, we conceive that little dependence is to be placed in a reinforcement from this quarter, which will lessen every mile of its progress by land if its march can at any rate be accomplished. Whether any troops can be sent from North Carolina time enough to give a check to the Enemy or not, is a subject we are unacquainted with, but if it could be done we humbly conceive it would be advisable.

We cannot undertake to determine in favor of the passage of the Virginia troops by water, uninformed as we are on most points necessary to be taken into consideration. We therefore shall direct their progress from hence to Williamsburg, where they can be best accommodated, and shall direct the quarter master to provide for their proceeding from thence with all the speed circumstances will admit. But we do not yet know how many men will be ordered on, as the Com^{d} in Chief means to retain those whose times will expire in or before January; and what proportion of them are under this predica-

[1] The letter of Lewis is in the *Papers of the Continental Congress*, No. 78, XIV, folio 295; that of Blaine, in No. 165, folio 307.

ment we know not. It appears that it will take near one month from this time to collect wagons at Williamsburg sufficient for the use of the supposed number of Troops, and it does not appear certain that wagons can even be had in that time to transport the baggage and stores the whole way, as they must be hired, and the people have an utter aversion to the service. The Assistant Q^r Master Gen^l (M^r Petit) informs us that there is a great scarcity of forage, and that all the Deputies are out of money to buy it. Whereas magazines should have been timely provided thro' the whole route, and we believe that a single regiment would under present circumstances meet with the greatest difficulties in their march to Charlestown. The distresses therefore of a larger Body must be accumulated in proportion to their numbers.

It therefore appears to us that the Virginia Troops must halt at Williamsburg until the means of their proceeding farther are more safe and certain, and as the North Carolina brigade will exhaust all the present supplies on the road, The wagons now attached to the former, should proceed to Williamsburg, and having their wearied horses replaced proceed the whole way with the troops. Magazines of forage and provision should be laid up at proper places and to effect this the quarter Masters and commissaries departments should be well supplied, and that immediately, with money. When the Commanding Officer of the Troops at Williamsburg is ascertained of the practicability of proceeding, he should march off the Troops by detachments as circumstances render necessary. On the whole we are of opinion that a period of at least three months will have elapsed before the Virginia Troops can possibly arrive in South Carolina, and then they will be much reduced by desertions and other casualties.

We have troubled Congress on this subject that they might be acquainted with our ideas of the embarrassments to be contended with, and that they may be pleased to fall on every possible measure to remedy them. If Congress are possessed of information relative to the safety of water transportation the whole way, the measure will certainly be the most eligible; but the dangers now apparently attending it are in our view so great that we will not undertake to determine it without the positive directions of Congress. Whether if the Convoy is in Chesapeak, transports can be had we know not. The greater gains made by the owners of vessels in private than in public service will create an aversion in the Merchants to hire them as transports.

P. S. The General seems in the postscript of his letter to Congress to be decisively of opinion, "that we cannot attempt to succour Georgia and South Carolina by a land march of Troops."[1]

A motion was made by Mr. [John] Mathews, seconded by Mr. [Cornelius] Harnett,

That the Board of War be directed to use the best means in their power, to forward by land the Virginia troops to join the southern army.

A motion was made by Mr. [William] Ellery, seconded by Mr. [James] Forbes,

That the consideration of the foregoing motion be postponed until the committee who are gone to head quarters, and, among other things, were to confer with General Washington on the state of the southern department, shall have reported the result of their conference.

A division of the last motion was called for, and on the question to postpone the consideration of the first motion, the yeas and nays being required by Mr. [John] Mathews,

New Hampshire,		
Mr. Peabody,	no	no
Massachusetts Bay,		
Mr. Lovell,	no	no
Holten,	no	
Partridge,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Huntington,	no	no
Sherman,	no	
New York,		
Mr. Livingston,	no	no
Floyd,	no	
L'Hommedieu,	no	
New Jersey,		
Mr. Fell,	ay	div.
Houston,	no	
Pennsylvania,		
Mr. Muhlenberg,	no	no
Shippen,	no	
Maryland,		
Mr. Plater,	no	div.
Forbes,	ay	
Virginia,		
Mr. Griffin,	no	*
North Carolina,		
Mr. Harnett,	no	no
Burke,	no	
Jones,	no	
South Carolina,		
Mr. Mathews,	no	no

[1] This letter is in the *Papers of the Continental Congress*, No. 147, II, folio 639.

So it passed in the negative.

Congress proceeded in the consideration of the first motion, which being amended by striking out sundry words:

On the question, *Resolved*, That the Board of War be directed to forward the Virginia troops to join the southern army.

On motion of Mr. [Robert R.] Livingston, seconded by Mr. [James] Lovell,

Resolved, That a committee of three be appointed to confer with the Board of War about the best method of conveying the troops of the Virginia line to join the southern army, by land or by means of any inland navigation, and take order thereon;

The members chosen, Mr. [Thomas] Burke, Mr. [Cyrus] Griffin, and Mr. [John] Mathews.[1]

Resolved, That a member be elected for the committee appointed to correspond with the commanding officer in the southern department, in the room of Mr. [Henry] Marchant:

The member chosen, Mr. [Thomas] Burke.

The election of Mr. [Francis] Lewis, and his acceptance of the office of a commissioner of the Board of Admiralty, having vacated Mr. [William] Floyd's seat at that Board, both of them being from the same state:

On motion of Mr. [William] Floyd,

[1] "The Committee of Congress, appointed for the purpose, having met the board this morning, after a full consideration of the subject, the following route was agreed on for the march of the Virginia troops to South Carolina, viz: Those troops to embark at Trenton with their baggage, and proceed to Christeen, and cross to the Head of Elk; there to embark again and proceed down the bay to Williamsburg, where they might remain in barracks: The waggons being empty to proceed by land to Petersburg, to which place the troops should proceed from Williamsburg in time to meet them: The Artillery and ammunition to go with the troops, the ammunition waggons by land with the others.

"It has been further agreed, that on account of the great length of the march it will be useless to send any of the Virginia troops whose service will expire by the middle of March next, and to request your Excellency to retain all such at camp." *Board of War to Washington*, December 10, 1779. Letters to Washington, 94, folio 107.

Resolved, That a member be elected for the Board of Admiralty in the room of Mr. [William] Floyd:

The member chosen, Mr. [William] Ellery.

Resolved, That two members be added to the committee on General Arnold's accounts, in the room of Mr. [Henry] Laurens and Mr. [James] Mercer.

The members chosen Mr. [William] Floyd and Mr. [Thomas] Burke.

Resolved, That all matters heretofore referred to the marine committee be transmitted to the Board of Admiralty.

Adjourned to 10 oClock on Friday.

FRIDAY, DECEMBER 10, 1779

A letter, of 6, from Lieutenant Colonel John Laurens was read, declining to accept the office of secretary to the minister at the court of France, with which Congress were pleased to honor him.

A letter, of 6, from Governor Livingston was read, enclosing a translation of a letter, of 16 July, from Amsterdam.

A letter, of 8, from D[avid] Jackson and a memorial from the officers in the hospital department, were read:

Ordered, That they be referred to the Medical Committee.

A letter, of 10th, from Colonel B. Flower, was read.[1]

A report of the Board of War was read; Whereupon,

Resolved, That Governor Jefferson be informed that Congress approve of the measures taken by the executive of the State of Virginia in sending to the post of Charlotteville, as guards to the convention troops, a new raised battalion of infantry, and a troop of light horse of their State troops; and that those troops be considered in continental service and receive continental pay and rations, while doing duty at the convention barracks:

[1] Laurens's letter is in the *Papers of the Continental Congress*, No. 165, folio 7; that of Livingston, in No. 68, folio 499, with a letter from Van der Capellan on folio 487: that of Jackson and enclosures, in No. 78, XIII, folio 125–133; and that of Flower, in No. 78, IX, folio 299.

That the Board of War be directed to order the party of Colonel Bland's regiment of light dragoons now at Charlottesville, to proceed to South Carolina forthwith and join the regiment there:

That Congress have every reason to be satisfied with the conduct, firmness and prudence evidenced by Colonel Bland in his command at the convention barracks; but as the state of his health and the situation of his private affairs will not permit him to remain in command at that post, General Washington be directed to appoint a successor in the command to Colonel Bland, who shall immediately proceed to the post, and take upon him the direction of affairs there.[1]

Resolved, That the resignation of Colonel Bland be accepted.

Congress took into consideration the report of the committee, on the letter of 23 September from J. Bradford; Whereupon,

Resolved, That instructions be sent to the respective agents under the authority of these United States, that they do not in future on any consideration dispose of any part of the continental share of prizes, unless it be of such articles as are in a perishable state, without orders for that purpose.

Ordered, That the remainder of the report be postponed till Monday next.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, DECEMBER 11, 1779

A letter, of 8, from General Washington, was read:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Robert R.] Livingston, Mr. [John] Mathews, and Mr. [Roger] Sherman.

[1] This report, dated December 8 (Pickering and Peters present), is in the *Papers of the Continental Congress*, No. 147, II, folio 643.

Another letter, of 7, from General Washington, was read:[1]

Ordered, That so much thereof as relates to the counterfeiting the bills of credit of the United States, be referred to the Board of Treasury.

A letter, of this day, from Major General Gates, was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of 27 October, from Major General Lincoln; and one, of 8 instant, from Major General Greene, were read:[2]

A letter, of 8th, from James Milligan, auditor general, was read:

Ordered, That it be referred to the Board of Treasury.

A memorial from Captain [J.] Baldesqui was read:[3]

Ordered, That so much thereof as relates to his character, which he apprehends will be wounded by the resolution of 17th May, unless facts are properly stated, be referred to the Board of Treasury;

And that so much as relates to his desire of leave to resign his commission and to be gratified with the brevet of major, be referred to the Board of War.

A letter, of 6, from A[ndrew] Harper, was read:

Ordered, That it be referred to the Board of War.

A letter, of 26 November, from J[oseph] Ward, commissary general of musters, was read.[4]

A report from the committee sent to camp was received.

The Committee, appointed to repair to Head Quarters for the purposes mentioned in the resolutions of Congress of the 30th instant, beg leave to report,

That having laid before the Commander in Chief the resolutions of Congress they were charged with and the papers referred to in the

[1] The letters of Washington are in the *Papers of the Continental Congress*, No. 152, VIII, folios 207, 215. The first is printed in the *Writings of Washington* (Ford), VIII, 128.

[2] Gates's letter is in the *Papers of the Continental Congress*, No. 154, II, folio 198; that of Greene, in No. 155, I, folio 184.

[3] This memorial is in the *Papers of the Continental Congress*, No. 41, I, folio 270.

[4] Harper's letter is in the *Papers of the Continental Congress*, No. 78, XI, folio 475; that of Ward, in No. 78, XXIV, folio 137.

same, His Excellency was pleased to furnish your Committee with copy of a letter he had the honor to address Congress on the 29th ult.; that they perfectly agree with his Excellency on the propriety of detaching the Virginia line to reinforce the Forces under the command of Major General Lincoln; that the reasons given by his Excellency in the letter referred to, for conveying them thither by water appear to your Committee conclusive. They therefore Intreat permission to recommend that the Commander of the French fleet now in Chesapeak Bay should be pressed to afford sufficient Convoy, and the necessity of it urged on the principles stated in the General's letter, and on the recommendation of the Minister of France, "that the Attention of Congress should be given to the Overtures made by Don Juan de Miralles;"

Your Committee beg leave further to observe that so capital a detachment from this army, considering the extensive posts to be maintained and the Enemy's position and force, may induce them to an offensive operation against it, which in the decreased strength of the Army, when the Virginia troops shall be detached, would, they conceive, be attended with at least very disagreable, if not ruinous consequences: they therefore, humbly recommend that immediate and decisive measures should be adopted to draw from the several States in the Union their respective Quotas to compleat the battalions now on the establishment, as they humbly conceive that the Militia, which the Commander in Chief is impowered by the seventh resolution to call forth into the field, is a resource too precarious to be depended upon in the present situation of affairs.

Your Committee beg leave further to report, that having conferred with the Commander in Chief on the subject matter of the papers transmitted to Congress by the Minister of France, and Don Juan de Miralles, they find his Excellency's Sentiments perfectly coinciding with theirs on the subject, to wit; That it would be highly imprudent to enter on any offensive operation against any of the Enemy's fortifications, or forces South of Georgia, previous to the reduction or expulsion of the British Force from that State. It is therefore humbly submitted that it should be proposed to their Most Christian and Catholic Majesty's Ambassadors, Agents, Governors or Commanders, that a fleet in such force of both or either of said powers, as would in all probability insure a superiority on the Coasts south of South Carolina over any British naval force which may reasonably

be expected in that Quarter, should be sent as early as possible to Charles Town, together with five thousand land forces to operate in conjunction with what American force may be in that quarter against the British in Georgia; that after having reduced or expelled the Enemy from that State, the Combined force should proceed to the reduction of the British Garrisons in East or West Florida, as should be deemed most expedient by the contracting parties, and that having accomplished this, or failed in the operations, the American troops should be reconveyed to such of the United States as may be agreed upon.

Your Committee beg leave to observe on that part of the paper delivered by Don Juan de Miralles, which regards a supply of provisions for the Inhabitants of the City of Havana and Isle of Cuba, that it would be improper to make a pointed promise to furnish such supply in part or the whole, until it is put beyond all doubt that there will be a surplus after the Army and Navy of the United States and the fleet of our Ally are amply provided; That nevertheless, as an inducement to procure a Spanish force to cooperate with our troops in Georgia, if they cannot do it without an aid in point of provisions, some risk should be run and a dependance put on extraordinary exertions to procure provisions in this Quarter for our own Army.

All of which is humbly submitted

PH: SCHUYLER
HY MARCHANT.

Head Quarters, Morris Town, December 7, 1779.[1]

The committee on the motion of the 3d instant, respecting the commissary general of purchases, brought in a report and desired leave to sit again.

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. [George] Plater, one of the delegates for the State of Maryland, on his application, for six thousand dollars; for which the said State is to be accountable.

[1] This report, in the writing of Philip Schuyler, is in the *Papers of the Continental Congress*, No. 33, folio 321. It is endorsed: "Referred to [John] Mathews, [Roger] Sherman and [Robert R.] Livingston." See under December 16, 1779, *post*.

Resolved, That on the application of the Board of War and Ordnance, a warrant issue on the Treasurer in favor of Joseph Carleton, Esq. Pay Master to the said Board, for 200,000 dollars for the contingent expences of the War and Ordnance Office, and for the purpose of enabling Mr Cheevers, Commissary of Military Stores at Springfield, to build a number of houses for the reception and employment of the Artillery Artificers at that place; for which the said Joseph Carleton is to be accountable.[1]

Postponed

That a warrant issue on the treasurer, in favour of Mr. C[ornelius] Harnett, one of the delegates for the State of North Carolina, on his application, for five thousand dollars; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Robert Troup, secretary to the Board of Treasury, and Joseph Nourse, assistant auditor general, for three thousand dollars, each, on account of their salaries.[2]

Congress took into consideration the report of the committee for procuring supplies for the army; and thereupon,

Resolved, That the legislature of the State of Virginia be requested to furnish, for the army of the United States, on or before the first day of April next, 20,000 barrels of Indian corn, and transport the same to such places within the said State as the commissary general of purchases shall direct:

That the legislature of the State of Maryland be requested, in addition to the 15,000 barrels of flour heretofore required of them, to furnish for the army of the United States, on or before the first day of April next, 5000 barrels of flour and 5000 barrels of Indian corn:

That the State of Pensylvania be requested to furnish, for the army of the United States, on or before the first day of April next, 50,000 barrels of flour, or wheat in proportion:

[1] This report, dated December 10, is in the *Papers of the Continental Congress*, No. 136, III, folio 885.

[2] This report, dated December 11, is in the *Papers of the Continental Congress*, No. 136, III, folio 891.

That the 10,000 barrels of flour, or wheat in proportion, heretofore requested from the State of Delaware by the committee of Congress, be furnished as soon as possible:

That 8000 barrels of flour be requested from the State of New Jersey, part of which to be furnished as soon as possible, to answer the immediate demands of the army:

That the State of Connecticut be requested to furnish, for the army of the United States, 8000 barrels of flour.

Resolved, That the committee who brought in the report, be directed to confer with his excellency the President and supreme executive council of Pensylvania, in order to their carrying into execution the request of Congress made to their State:

That letters be written to the other states, requesting them immediately to proceed in furnishing the supplies.

Resolved, That the remainder of the report be postponed.

A letter, of this day, from the honourable the Minister of France, was read, relative to the proceeds of the vessel captured by eight American seamen; Whereupon,

Resolved, That the Minister of France be informed, that Congress approve the paying of the money arising from the sale of the *Greyhound,* which was captured by eight American seamen, to the captors or to their attornies in equal shares; and that measures will be taken to convey intelligence to the said captors.

Ordered, That the said letter, together with his note on this subject, be referred to the delegates of Massachusetts bay and Rhode Island.

Resolved, That the committee who brought in the report on supplies have leave to sit again.

Adjourned to 10 o'Clock on Monday.

MONDAY, DECEMBER 13, 1779

A memorial of Christopher Hele, was read, praying to be exchanged, and to have leave to go to New York upon his parole for a few days, to procure a person in his room: [1]

Resolved, That Mr. Hele be informed that the prayer of his memorial cannot be granted until Captain Cunningham is released, as it has been determined that he must abide the fate of that officer.

A letter, of 11, from Charles Pope, lieutenant colonel of the Delaware regiment, was read, praying leave to resign his commission: [2]

Resolved, That his resignation be accepted.

A petition of Mary Kerr was read:

Ordered, That it be referred to the commissary general of prisoners.

A letter from Benyowszki was read: [3]

Ordered, That it be referred to the Board of War.

The director general, to whom was referred the report of the commissioners on the memorial of Lewis Weiss in behalf of the single brethren of Bethlehem, having reported thereon, and the said report being read: [4]

Ordered, That a warrant issue on the treasurer, in favour of Lewis Weiss, attorney of John Bonn, warden of the single brethren of Bethlehem, for three thousand and seventy seven dollars and 60/90 for the use of the said brethren, being in full of their account for evacuating, repairing and re-entering their house, which was used as a general hospital for the space of eight months, in lieu of rent and all other demands. [5]

[1] This memorial, dated December 10, is in the *Papers of the Continental Congress,* No. 41, IV, folio 99.

[2] This letter is in the *Papers of the Continental Congress,* No. 78, XVIII, folio 263.

[3] This letter is in the *Papers of the Continental Congress,* No. 78, III, folio 415.

[4] Shippen's letter, dated this day, is in the *Papers of the Continental Congress,* No. 19, VI, folio 513.

[5] This report, dated December 4, is in the *Papers of the Continental Congress,* No. 136, III, folio 873.

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [William Churchill] Houston,

Resolved, That the Board of Treasury be directed to pay to J[ohn] Mitchel, deputy quarter master general, a sum in bills of exchange sufficient to discharge a year's rent of the house occupied by the President of Congress.

Resolved, That a member be added to the Board of Treasury, in the room of Mr. [William] Sharpe, who is absent.

The member chosen, Mr. [William] Floyd.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, DECEMBER 14, 1779

Mr. [John] Penn, a delegate for North Carolina, attended, and took his seat in Congress.

A letter, of 10th and 11th, from General Washington, was read, enclosing a letter, of 9, from Clement Biddle.

Also a letter, of 13, from Brigadier Woodford, was read:

Ordered, That the letter from General Washington and that from Brigadier Woodford be referred to the Board of War.

A memorial from Stephen Moore, was read:[1]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Robert R.] Livingston, Mr. [John] Fell and Mr. [Roger] Sherman.

A letter, of 3, from H. Champion, was read.[2]

A report from the Board of Treasury was read; Whereupon

Ordered, That on the application of Chaloner & White, agents for Colonel J. Wadsworth, commissary general of purchases, the following warrants issue in his favour, for one million one hundred thousand dollars, for the use of his department; for which he is to be accountable, viz;

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VIII, folio 219; that of Woodford, in No. 78, XXIV, folio 145; that of Moore, dated the 11th, in No. 41, VI, folio 151.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, V, folio 437.

One on Samuel Patterson, Esq. commissioner of the continental loan office for the State of Delaware, for one hundred thousand dollars;

One on Thomas Harwood, Esq. treasurer of the State of Maryland, for seven hundred thousand dollars;

One on David Rittenhouse, Esq. treasurer of the State of Pensylvania, for one hundred thousand dollars;

And one on John Stevens, Jun. Esq. treasurer of the State of New Jersey, for two hundred thousand dollars:

That on the application of the Board of Admiralty a warrant issue on the managers of the United States lottery, for fifty thousand dollars, in favour of the said Board, for the use of the navy board of the middle department; for which the said Board of Admiralty is to be accountable:

That a warrant issue on the treasurer, in favour of William Govett, Esq. one of the commissioners of the chamber of accounts, for five thousand dollars; and one in favour of Resolve Smith, Esq. another of the said commissioners for six thousand dollars, on account of their salaries, respectively.[1]

The committee, to whom was referred the letter, of 8 December, from General Washington, respecting the challenging members of a court martial;

The Committee to whom a letter from General Washington, dated the 8th. December, 1779, was referred, humbly submit the following resolution:

Resolved, That on all trials by Courts Martial, for Capital offences, at least twenty six persons be returned as members of such Court, with a list of whose names the person to be tried shall be furnished at least six hours before such trial commences, and may if he shall think proper, challenge peremptorily any number of the officers whose names shall be so returned, not exceeding six, and as many more as he shall be able to assign good reasons for objecting to. The validity of such objections to be determined by those who have been admitted to take their seats. Or if the objections shall be offered before any

[1] This report, dated December 13, is in the *Papers of the Continental Congress*, No. 136, III, folio 895.

six of the proposed members shall have been sworn, then by the six senior officers present, not having been before challenged.

Provided, nevertheless that no peremptory challenges be allowed in cases not capital, or where from the situation of the army it would have the effect of preventing a trial. In which cases the reasons upon which the persons charged shall object to any officer returned as a member of such Court shall be assigned, and the validity thereof determined as above.[1]

The committee on the letter, of 18 November, from General Washington;

The Committee to whom was referred General Washington's letter of the 18 Nov: last, and other matters relative to recruiting the army, Beg leave further to report:

That for the ensuing campaign the several States be required to furnish by draught or otherwise, on or before the first day of April next, the Deficiency of their respective quotas of 80 Battalions of Infantry, as apportioned by a resolution of Congress of the 9th of March, 1779.

Passed

That the non-commissioned Officers and soldiers that are or may be enlisted in the several military Corps of the army, not included in the said 80 Battalions, be considered as part of the said quota and credited to the States to which such officers and soldiers respectively do or may belong.

Passed

That it be recommended to each State to make like provision for officers, and for the soldiers enlisted for the war, in the said Corps who shall continue in service until the establishment of Peace, and belong to the said State, as may be made for other officers and soldiers of its Battalion, pursuant to a Resolution of Congress of the 17th August last.

Passed

That the letter from General Washington of the 18 November last, and the abstract of the army enclosed therein, be referred to the Board of War, who are directed forthwith to report to Congress a list of the deficiencies of Troops to be furnished by the first of April next, and at other periods during the next campaign, by the several States, agreeable to the preceeding Resolves.

The Committee desire leave to sit again.[2]

[1] This report, in the writing of Robert R. Livingston, is in the *Papers of the Continental Congress*, No. 19, VI, folio 261*.

[2] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 19, VI, folio 263*. It is endorsed: "2nd. report &c." See under December 16, *post*.

And the committee on supplies, brought in reports; which were read:

Resolved, That the committee on the letter of 18 November, have on their request leave to sit again.

Congress took into consideration the report of the committee on supplies, and thereupon came to the following resolution:

Whereas the aid of the several states is necessary in furnishing provisions for the army, and other supplies for carrying on the war; and justice requires that they be called upon to furnish their respective quotas at equitable prices:

Resolved, That all the states shall be called upon to furnish their quotas of such supplies as may, from time to time, be wanted for carrying on the war; and in making the requisitions, due care shall be taken to suit the convenience of the several states; and the articles by them respectively furnished shall be credited towards their quotas of the monies which they are called upon to raise for the United States, at equal prices for articles of the same kind and quality, and for others in due proportion; and the accounts shall be finally compared and adjusted so as to do equity to all the states.[1]

On passing the foregoing resolution, the yeas and nays being required by Mr. [James] Forbes,

Massachusetts Bay,			*New York,*		
Mr. Gerry,	ay		Mr. Livingston,	ay	
Lovell,	ay	ay	Floyd,	ay	ay
Holten,	ay		L'Hommedieu,	ay	
Partridge,	ay		*New Jersey,*		
Rhode Island,			Mr. Fell,	ay	
Mr. Ellery,	ay	ay	Houston,	ay	ay
Connecticut,					
Mr. Huntington,	ay				
Sherman,	ay	ay			

[1] This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress,* No. 21, folio 189. The two votes were recorded on the same sheet by Thomson.

Pennsylvania,			*North Carolina,*		
Mr. Searle,	ay	ay	Mr. Burke,	ay	ay
Muhlenberg,	ay		Jones,	ay	
M'Lene,	ay		*South Carolina,*		
Shippen,	ay		Mr. Mathews,	ay	ay
Maryland,					
Mr. Plater,	no	no			
Forbes,	no				

So it was resolved in the affirmative.

A report from the Board of Treasury, was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Colonel Benjamin Flower, commissary general of military stores, for one million dollars, for the use of his department; for which he is to be accountable.[1]

On the question to agree to this, the yeas and nays being required by Mr. [Samuel] Holten,

New Hampshire,			*Pennsylvania,*		
Mr. Peabody,	ay	ay	Mr. Searle,	ay	
Massachusetts Bay,			Muhlenberg,	ay	ay
Mr. Gerry,	ay		M'Lene,	no	
Lovell,	ay	div.	*Maryland,*		
Holten,	no		Mr. Plater,	ay	ay
Partridge,	no		Forbes,	ay	
Rhode Island,			*Virginia,*		
Mr. Ellery,	ay	ay	Mr. Griffin,	ay	*
Connecticut,			*North Carolina,*		
Mr. Huntington,	no	no	Mr. Penn,	ay	ay
Sherman,	no		Burke,	ay	
New York,			*South Carolina,*		
Mr. Livingston,	ay		Mr. Mathews,	ay	ay
Floyd,	ay	ay			
L'Hommedieu,	ay				
New Jersey,					
Mr. Fell,	ay	ay			
Houston,	ay				

[1] See note under December 4, p. 1348, *ante.*

So it was resolved in the affirmative.

That on the application of Jonathan Burrall, assistant to Colonel Palfrey, pay master general, a warrant issue on the treasurer, in favour of the said Colonel Palfrey, for one hundred and fifty thousand dollars, for the use of his department, and for which he is to be accountable:

That a warrant issue on the treasurer, in favour of David C. Claypoole, printer to Congress for six thousand dollars, on his application; for which he is to be accountable:

That a warrant issue on the treasurer, in favour of Charles Morse, assistant in the secretary's office of Congress, for fifteen hundred dollars, on account of his salary:

That on the application of Chaloner and White, agents for Colonel J. Wadsworth, commissary general of purchases, the following warrants issue in his favour and for the use of his department on the treasurers of the following states, for two millions two hundred thousand dollars; in part of the monies raised by them for the use of the United States; for which sums the said Jeremiah Wadsworth is to be accountable, viz;

One of Gerardus Bancker, Esq. treasurer of the State of New York, for four hundred thousand dollars;

One on John Lawrence, Esq. treasurer of the State of Connecticut, for six hundred thousand dollars;

One on Joseph Clarke, Esq. treasurer of the State of Rhode Island, for one hundred thousand dollars;

One on Henry Gardiner, Esq. treasurer of the State of Massachusetts bay, for eight hundred thousand dollars;

And another on Nicholas Gilman, Esq. treasurer of the State of New Hampshire, for three hundred thousand dollars.[1]

[1] This report, dated December 14, is in the *Papers of the Continental Congress*, No. 136, III, folio 899. The paragraphs on Fogg and Milligan form part of the same report.

The Board of the Treasury, to whom was referred the petition of Jeremiah Fogg, quarter master to General Poor's brigade, brought in a report thereon; Whereupon,

TREASURY OFFICE, *December 14th, 1779.*

The Commissioners of Accounts at Albany, having represented to the Board of Treasury, that they had, in consequence of an order of the Board of the 5th of March last, considered the petition of Jeremiah Fogg, Quarter Master to General Poor's Regiment (which stood referred to the Board from Congress) respecting parts of Rations said to be due to the said Regiment; and that after making the most deligent enquiry, they were not able to investigate the matter; nor obtain any satisfactory Proof they were due: On the contrary as this is the only instance of a demand of the kind from any Regiment serving with them in Canada, they are of opinion an equivalent has been made in the issuing of provisions; Upon this state of the affair the Board beg leave to report it as their opinion, that the petition of the said Jeremiah Fogg be dismissed.

Agreed

The Board further beg leave to report, That they have taken into consideration the Letter of James Milligan, Esqr of the 8th instant, to his Excellency the President of Congress, stating his objections to that part of the ordinance establishing the Treasury which says "he is then with his assistant to examine the *nature* of the Charges and Vouchers", to them referred, and having conversed with him on the subject of those objections, they find he holds the undertaking to examine the nature of the vouchers of the Accounts to be reported to him from the Chambers of Accounts to be a duty too great to be performed by him and his assistant, and in his opinion impracticable, and, therefore, if that duty is insisted on he cannot undertake the Office of Auditor; and it appears plainly to the Board by the ordinance an examination of the vouchers is enjoined him and his assistant. It therefore rests with Congress to determine whether the examination of the nature of the vouchers is to be dispensed with or not, to determine Mr Milligan's acceptance of the office.

Recommitted

Ordered, That the said petition be dismissed.

Ordered, That the report of the Board of Treasury on the letter, of 8, from James Milligan, be re-committed.

Ordered, That the report of the committee sent to camp be referred to the committee on the letter from Don. J. Mirailles.

That a member be added to that committee in the room of Mr. [Henry] Marchant:

The member chosen, Mr. ~~Livingston,~~ [John] Mathews.

Resolved, That the Commerical Committee be directed to take immediate measures to procure a supply of gunpowder and cloathing, for the use of the continental army and navy; and that the Treasury Board be directed to supply them for that purpose with bills of exchange on Holland, to the amount of four thousand pounds sterling, when required by the said Committee, in lieu of bills formerly furnished them for that purpose, which are supposed to be destroyed.[1]

Resolved, That to morrow, after the reading the journals and dispatches, Congress proceed to the consideration of the report of the committee on General Washington's letter, of 18 November, last.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, DECEMBER 15, 1779

A letter, of 13th, from Colonel J. Laurens, was read;[2] and a motion being made thereon,

Resolved, That the Commission of Lieutenant Colonel John Laurens, dated March 29th, 1779, be received and cancelled, and that he be presented with a Commission of Lieutenant Colonel in the Continental service, to bear date the 5th of October, 1777.[3]

Ordered, That the letter and motion be referred to the Board of War.

[1] This resolution was entered only in the manuscript Secret Domestic Journal.

[2] This letter is in the *Papers of the Continental Congress*, No. 165, folio 10.

[3] This motion, in the writing of Samuel Holten, is in the *Papers of the Continental Congress*, No. 36, I, folio 51.

A letter, of this day, from Lieutenant Colonel Dircks, was read:

Ordered, That it be referred to the Board of War.

A letter, of 13, from Governor Livingston, was read.[1]

A report from the Board of War was read; Whereupon,

Since the report of yesterday [2] relative to the Virginia troops, the Board have had an opportunity of conversing with General Muhlenberg, Colonel Laurens, and some Gentlemen of the Virginia line, and upon the whole are of opinion that it will be highly expedient to indulge every man with a furlough till the first of April, whose enlistment will expire by the last day of next March, and who will reinlist to serve during the war; and that those only who refuse to reinlist shall be sent back to camp. This alternative, in the present situation of these troops, we conceive will procure more recruits than if the experiment had been made in camp. Instead therefore of the report of yesterday, we would beg leave to substitute the following;

Resolved, That such of the Virginia troops whose times of service will expire by the last day of March next, and who incline to inlist for the usual bounties, to serve during the war, be permitted to go home on furlough till the first day of April next: [on condition of their reinlisting for the usual bounties to serve during the war.] [3]

[1] Dircks's letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 269; that of Livingston is in No. 68, folio 507.

[2] "At a Board of War, *December 13, 1779*.

"Sir: The following report will be necessary to enable General Woodford to keep the Troops at Trenton who will not be of service to the southward. As they are moving on we beg the immediate attention of Congress to this, and we will report on the rest of the letter so soon as possible. We wish to have the men whose times expire in December as a guard over a large number of prisoners going to Fort Frederick in Maryland. The numbers of our Troops in this predicament, 213, and the period of their enlistment so short, that if they are sent to Camp they will be of little service, and if sent as guards will be a great saving as we must otherwise get militia who must return.

"That General Woodford be directed to order all such of the Troops of the Virginia line now on their way to Philadelphia, whose times of service expire on or before the last day of March next, to rejoin the main army (except those whose times expire in December who are to be subject to the orders of the Board of War); and that he forward with all expedition those who are enlisted for a longer term or during the War."

This report is in the *Papers of the Continental Congress*, No. 147, II, folio 647.

[3] Words in brackets were in the original report, but were not reported.

That such as do not incline thus to re-inlist, be ordered to rejoin the main army, [there to serve out the terms of their respective inlistments] [1] except those whose times of service will expire by the last day of December instant, who are to be [brought to Philadelphia][1] employed during the residue of their service as the Board of War shall direct.[2]

On motion of Mr. [William Churchill] Houston, seconded by Mr. [Elbridge] Gerry,

Resolved, That it be recommended to the legislative, or, where vested with competent authority, to the executive powers of such of the states where embargoes are in force, to continue the same; and where embargoes are not in force, to lay them, to prohibit until the first day of April next, the exportation of the several articles mentioned and described in the resolution of Congress of the 21 August last.

The committee, to whom was referred the report of the commissioners on Mr. J. Adams account, brought in a report.

The Committee, to whom was referred the Reports of the Commissioners of Accounts, of the 25 October last, and read in Congress the 27 of the same month, on the accounts of the Honble. John Adams, Esq. late one of the Commissioners of the United States at the Court of Versailles, report:

That they do not find any Vote or Proceeding of Congress, nor are they informed of any general or received Custom, on which the Charge of Monies for the Education of the Accomptant's Son can be admitted; and though the same is inconsiderable, they are of opinion it ought to be rejected, that a Precedent be not established.

That they are of opinion the Charge for Books ought to be admitted on the ground of a Practice which has obtained in different Nations respecting their publick Ministers, and which is mentioned by Mr. Adams in the Explanations attending his Vouchers.

That they find the several Charges in the said Accounts conformable to the strictest Principles of Economy, and that as far as Mr. Adams has been entrusted with publick Money the same has been carefully and frugally expended.[3]

[1] Words in brackets were in the original report, but were not adopted.

[2] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 651.

[3] This report, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 19, I, folio 1.

According to order, Congress took into consideration the report of the committee on General Washington's letter of 18 November, and having made some progress therein,

Adjourned to 10 o'Clock to Morrow.

THURSDAY, DECEMBER 16, 1779

Mr. [Oliver] Ellsworth, a delegate for Connecticut, attended and took his seat in Congress.

A letter from the president and council of Pensylvania to the delegates of that State, was laid before Congress and read:[1]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Roger] Sherman, Mr. [James] Forbes and Mr. [Robert R.] Livingston.

A letter, of 5th, from J. Deshon of the eastern navy board to the Marine Committee, with a note thereon by the Board of Admiralty, was read:

Ordered, That it be referred to the Board of War to take order, communicating the same to the Commander in Chief.

A letter, of 16, from J. Benezet, was read:

Ordered, That it be referred to the Committee of Commerce.

A petition of P[aul] Fooks, was read:

Ordered, That it be referred to the Board of Treasury.

A letter from the Board of War was read, enclosing one from Lieutenant Colonel [Peter] Adams, requesting leave to take a voyage to the West Indies, for the recovery of his health;[2] Whereupon,

Resolved, That a furlough for six months be granted to Lieutenant Colonel Peter Adams, to enable him to take a voyage to the West Indies, for the recovery of his health.

[1] This letter is in the *Papers of the Continental Congress*, No. 69, II, folio 157.

[2] The petition of Fooks is in the *Papers of the Continental Congress*, No. 42, III, folio 49; the Board of War letter is in No. 147, II, folio 655.

The Board have in some instances given furloughs to officers who were to remain within the United States; but think it necessary to report to Congress a case where an officer proposes to go beyond seas.

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of Chaloner and White, agents for Colonel J. Wadsworth, commissary general of purchases, the following warrants issue on the following states, for two millions of dollars in part of the monies raised by them for the use of the United States, in favour of the said J. Wadsworth, and for the use of his department; for which he is to be accountable, viz;

One on George Webb, Esq. treasurer of the State of Virginia, for one million six hundred thousand dollars;

And another on his excellency the governor of the State of North Carolina, for four hundred thousand dollars.

That a warrant issue on the treasurer, in favour of John Levinus Clarkson, Jun. clerk to the Board of Treasury, for three thousand dollars, on account of his salary.[1]

The committee on the letter, of 18 November, from General Washington, brought in a farther report.

The Committee on the letter from General Washington, of the 18th November last, and sundry other matters relative to recruiting the army beg leave further to report, that,

Whereas in the requisitions of Congress from time to time, for supplies of men to carry on the War, it has been necessary to call on the several States for certain quotas, which however are not to be considered as their just proportions of the said supplies:

And whereas the several States in raising and providing for the Officers and soldiers of their respective battalions, and for the temporary reinforcement of the militia required by Congress, have incurred, and must continue to incur a great expense, which ought to be apportioned and defrayed according to some just rule, to be hereafter adopted by Congress:

[1] This report, dated December 15, is in the *Papers of the Continental Congress*, No. 136, III, folio 903.

Resolved, That at the expiration of the War, an account shall be taken of the number of men furnished by the several States, for common defence, in the course of the War; in which account the numbers furnished by each State shall be rated according to the length of the times of the respective enlistments; and a rule shall be then adopted for ascertaining how many men each State ought to have raised of the number contained in the said account, and for reimbursing to any State which shall have furnished more than its just proportion, the necessary expense of raising and providing for the same, and also of providing for the Officers required by the establishment of the Army for the men so furnished more than its proportion; which expense shall be charged to those States that shall not have furnished their just proportions, according to their respective deficiencies.[1]

The Committee, to whom was referred the report of the committee sent to camp, brought in a report.

The committee on the report of the committee sent to camp, brought in a report, which was taken into consideration and agreed to: Whereupon

The Committee to whom were referred a letter of 24th November from Don Juan de Miralles, one of 27th November from the Minister of France, and a Report of a Committee sent to Head Quarters, to confer with the Commander in Chief on the state of the southern department, brought in a report: Whereupon,

Report the following draught of a letter to be written to the Minister of France:

SIR:

I am directed to inform you that Congress *in order to testify their attention to the Interests of his Catholic Majesty*, appointed a Committee to confer with General Washington on the subject of your letter accompanying the representations of Don Juan de Miralles; and tho' from the result of their conference, they have reason to believe that our grand army cannot be weakened while the enemy retain their present force at New York without considerable danger, yet they have upon mature deliberation determined rather to incur that danger than not comply as far as is consistent with our circumstances, with the views of his Catholic Majesty, to whom

[1] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 19, VI, folio 265.* It is endorsed "3d. Report &c."

they feel themselves bound by that Union of Interest which a common enemy creates, by the favorable disposition manifested by his Catholic Majesty to these States, and by those *pleasing* ties, which connect the interest of the illustrious house of Bourbon with the happiness of mankind. Under these impressions they have ordered ~~the North Carolina brigade and the Virginia line, consisting together of about 2300 men, to march to the southward. Having before directed General Scott, with about 800 men, to join General Lincoln; these, together with the Troops already under his command~~ a considerable detachment from the Grand army to join the troops in Carolina, which together with the forces already there, or on the way will amount to about 4000 men, exclusive of the Militia of the Southern States, whom Congress have called for upon this occasion. Congress have also ordered three of their frigates to Charleston, to be put under the direction of the Commanding officer in that Department. This force they conceive will make so powerful a diversion in favor of his Catholic Majesty's arms, as to afford probable hopes of their being crowned with success. You will perceive, Sir, that any other cooperation with the troops of Spain is impossible while Savannah opposes a barrier to a junction of our force. This from its present strength it will not be easy for us to remove, till a more decided Superiority in this quarter enables us to transfer a greater proportion of our army thither. ~~To effect this desirable purpose, and that our force in that part of america may be at Liberty to act against the Common Enemy in such manner as will be most for the Interest of His Catholic Majesty, Congress have directed me to propose to you, and through you, to the gentleman by whom the intentions of his Catholic Majesty are communicated, that a body of about 5000 men, together with six Ships of the Line, should with all expedition rendezvous either at Charleston in South Carolina, or in the River Savannah in the State of Georgia. There to be joined by the whole land and naval force of these States in that quarter, in order that such an attack may be made against the enemy's force there as to promise success. In which event the united forces may then be employed for the reduction of St. Augustine.~~ Unless in the mean time the Governor of the Havana shall think proper to furnish such aid, as when joined to the forces of the United States in that quarter will be sufficient to effect the purposes before mentioned. But as Congress are desirous of extending their views still further, and conceiving the conquest of East Florida to be an object of great importance, as well to his Catholic Majesty, as to these

States, they have therefore directed me to inform you, and through you, Don Juan de Miralles, by whom the intentions of his Catholic Majesty are communicated, that they have given full power to their general commanding in the Southern Department, to correspond and concert with the Governor of the Havana, or any other person or persons authorized by his Catholic Majesty for that purpose, such plan as can be agreed upon between them for carrying our views into execution.

I am, Sir, directed further to inform you that the Congress cannot promise any considerable quantity of provisions until the army of the United States is supplied. Yet as soon as this can be done, every means will be used to furnish provisions for his Catholic Majesty's Islands and fleet; but in the mean time they conceive that a large supply of rice may be afforded by the State of South Carolina, which Congress will readily aid the agents of Spain in procuring.

Your Committee therefore beg leave to recommend the following resolution to be passed by Congress:

> *Resolved*, That General Lincoln, or the Commanding Officer for the time being in the Southern Department, be, and he is hereby authorized and empowered, to correspond and concert with the Governour of Havanna, or any other person or persons properly authorized by his Catholick Majesty, such plan as shall in his opinion be best calculated to insure the reduction of the enemy's force in the State of Georgia; and that the State of South Carolina be requested to afford every assistance in their power for carrying the same into effect.[1]
>
> In passing this resolution, a division was called for;
>
> The question on the first part, as far as "Georgia" inclusive, passed in the affirmative.
>
> On the second part, "and for the "conquest of East Florida," &c. to the end, the yeas and nays being required by Mr. [James] Forbes;

[1] This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 25, I, folio 283. The last resolution was printed in the *Secret Journals, Domestic*, Vol. I, p. 129.

New Hampshire,			*New Jersey,*		
Mr. Peabody,	ay	ay	Mr. Fell,	no	div.
Massachusetts Bay,			Houston,	ay	
Mr. Gerry,	ay		*Pennsylvania,*		
Lovell,	ay	ay	Mr. Searle,	ay	ay
Holten,	ay		M'Lene,	ay	
Partridge,	ay		*Maryland,*		
Rhode Island,			Mr. Plater,	ay	div.
Mr. Ellery,	ay	ay	Forbes,	no	
Connecticut,			*North Carolina,*		
Mr. Huntington,	ay		Mr. Penn,	no	no
Sherman,	ay	ay	Burke,	no	
Ellsworth,	ay		*South Carolina,*		
New York,			Mr. Mathews,	ay	ay
Mr. R. R. Livingston,	ay				
Floyd,	ay	ay			
L'Hommedieu,	ay				

So it was resolved in the affirmative.[1]

Adjourned to 10 o'Clock to Morrow.

FRIDAY, DECEMBER 17, 1779

A letter, of 13th; and one, of 14, from General Washington, were read:

Ordered, That the letter of the 13th, with the papers enclosed, be referred to the committee on ~~the letters from Mr. Wadsworth and Mr. Champion~~ supplies.

A letter, of 12, from Major General Greene, was read:[2]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Thomas] Burke, Mr. [Elbridge] Gerry and Mr. [Oliver] Ellsworth.

A return of provisions and stores issued at Philadelphia, from the 1st to 26 November, inclusive, being laid before Congress, and

[1] This resolution and vote were entered only in the manuscript Secret Domestic Journal.

[2] The Washington letters are in the *Papers of the Continental Congress*. No. 152, VIII, folios 227, 243; that of Greene, in No. 155, I, folio 188.

A motion grounded thereon being made by Mr. [William Churchill] Houston, and seconded by Mr. [Elbridge] Gerry,

Ordered, That the return and motion be referred to a committee of three:

The members chosen, Mr. [William Churchill] Houston, Mr. [Elbridge] Gerry and Mr. [John] Penn.

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. W. Ramsey, one of the clerks in the chamber of accounts, on his application, for two thousand dollars on account of his salary:

That a warrant issue on the treasurer, in favour of Mr. Patrick Ferral, clerk in the auditor general's office, on his application, for two thousand five hundred dollars, on account of his salary.

The Board of Treasury, to whom was re-committed their report on Mr. Milligan's letter, report,

That after maturely reflecting upon the ordinance for establishing a Board of Treasury, it appears evident to them that Congress intended the auditor general and his assistant should examine the accounts and vouchers reported upon by the chambers of accounts, as a check; which, in the opinion of the Board, is of too much importance to be dispensed with, and in order that the intention of Congress may be fully complied with, the Board beg leave to observe, that the assistant auditor general should not be confined to the posting of the books, as the ordinance directs, but that this duty be performed hereafter by a clerk properly qualified; Whereupon,

Resolved, That the duty of keeping and stating the public books at the treasury be assignable, as often as necessary, to the first clerk in the auditor general's office, that the assistant auditor general may be the better enabled to attend to other parts of his duty.[1]

[1]This report, dated December 16, is in the *Papers of the Continental Congress*, No. 136, III, folio 907.

On motion of Mr. [Roger] Sherman, seconded by Mr. [Thomas] Burke,

Resolved, That a committee of five be appointed to obtain estimates of the supplies necessary to be procured for the use of the army for the year ensuing, in the commissaries' and quarter masters' departments, and also for the support of the war, and report to Congress the quantities and kinds which each State ought to furnish as its quota thereof.

Resolved, That when the legislature of any State shall have undertaken to procure its quota of any of the articles required, all purchases of such articles by the commissaries and quarter masters in such State be discontinued:

The members chosen, Mr. [James] Searle, Mr. [Oliver] Ellsworth, Mr. [Thomas] Burke, Mr. [Robert R.] Livingston, and Mr. [Cyrus] Griffin.

The following gentlemen were put in nomination for the office of secretary to the minister plenipotentiary to the court of France:

Mr. G[ouverneur] Morris, by Mr. [John] Mathews; Mr. [James] Lovell by Mr. [William] Ellery; Mr. [Alexander] Hamilton by Mr. [James] Lovell, and Colonel Stewart by Mr. [George] Plater.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, DECEMBER 18, 1779

A memorial from Meredeth and [George] Clymer, was read:[1]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Nathaniel] Peabody, Mr. [Roger] Sherman and Mr. [George] Partridge.

A report from the Board of Treasury was read; Whereupon,

[1] The memorial, dated December 13, is in the *Papers of the Continental Congress*, No. 41, VI, folio 159. The account of stores furnished is on folio 155.

Ordered, That on the application of Jonathan Burral, assistant to Colonel W. Palfrey, pay master general, a warrant issue on the treasurer, in favour of the said Colonel W. Palfrey, for one million dollars to be transmitted to John Pierce, Jun. deputy pay master general to the main army, for the supply of the military chest; for which sum the said Colonel Palfrey is to be accountable:

That on the application of Charles Pettit, assistant quarter master general, a warrant issue on William Armistead, commissioner of the continental loan office for the State of Virginia, payable to the order of Charles Pettit, for account of Major General Greene, Q^r M^r General, for one hundred and two thousand dollars, for the use of his department, General Greene to be accountable:

That on the application of Chaloner and White, agents for Jeremiah Wadsworth, commissary general of purchases, the following warrants issue in his favour for one million two hundred thousand dollars, for the use of his department, for which he is to be accountable:

One on Thomas Smith, commissioner of the continental loan office for the State of Pensylvania, for one million dollars in loan office certificates:

And another on William Armistead, commissioner of the continental loan office for the State of Virginia, for two hundred thousand dollars.[1]

The committee on the memorial of Samuel Rogers brought in a report; also

The Committee to whom was referred the memorial of Samuel Rogers, Ask leave to report the following Resolution:

Resolved, That Captain Samuel Rogers (late of Sackville in the Province of Nova Scotia) be and he hereby is permitted, to proceed to the Province of Nova Scotia, in any vessel, or boat, as he may find most expedient, to bring off such of his effects as he may think

[1] This report, dated December 18, is in the *Papers of the Continental Congress*, No. 136, III, folio 902.

proper; and the Commanding Officers of all Armed and other vessels, belonging to the United States, or any of their Citizens, are hereby directed not to interrupt the said Samuel Rogers, or any person or persons employed for or under him, in bringing off his effects as aforesaid.[1]

The committee on the memorial of Stephen Moore, brought in a report, which being read and considered:

Resolved, That upon the said Stephen Moore producing a certificate from the quarter master general of the quantity of wood cut on the farm mentioned in the said memorial, for the purpose of supplying the army with wood, or for the erecting of fortifications, and of the value thereof, Congress will make such compensation therefor as has been usually allowed in similar cases.[2]

Congress resumed the consideration of the report of the committee on General Washington's letter of 18 November, having amended a proposition so as to read,

"That for the ensuing campaign, the several states be required to furnish, by draughts or otherwise, on or before the

[1] This report, in the writing of Samuel Holten, is in the *Papers of the Continental Congress*, No. 19, V, folio 265.

[2] This report, in the writing of Robert R. Livingston, is in the *Papers of the Continental Congress*, No. 19, IV, folio 87. In No. 22, folios 151 and 152, are two reports on the same subject, the first in the writing of John Fell, and the second in that of Roger Sherman:

"Would it not be best for M[r] Moore to apply to the State of New York for recompence for his losses at West Point, as they are the best Judges of what he ought to receive, and let it be a charge to the United States to be considered at the conclusion of the War, with other Matters of the same nature." [*John Fell.*]

"That by a resolution of Congress, of 24th Day of September, 1776, in the Case of Colonel Hazen, all articles taken and used for the benefit of the Continental Army, ought to be paid for. But damages done to Buildings, farms, &c. by our Troops, or those of the enemy, unless General provision be made for compensating all others, who by means of the War, have in like manner, been damnified, which may be a subject worthy to be considered after the close of the war.

"That the Petition of [Stephen] More be referred to the Government of the State of New York, to make such compensation to the Petitioner as they shall think proper, and such part thereof shall be reimbursed by the United States as the Articles that have been applied to their use and benefit shall amount to, at a reasonable Estimate." [*Roger Sherman.*]

first day of February next, the deficiency of their respective quotas of 80 battalions of infantry, as apportioned by a resolution of Congress of the 9 March, 1779:"

A motion was made by Mr. [James] Forbes, seconded by Mr. [George] Plater, to strike out the words "as apportioned by a resolution of Congress of the 9th March, 1779:"

And on the question, shall those words stand, the yeas and nays being required by Mr. [James] Forbes,

New Hampshire,
Mr. Peabody, ay } ay no } no[1]

Massachusetts Bay,
Mr. Gerry, ay
Lovell, ay } dv.
Holten, no
Partridge, no
ay no
no
no } no
no

Rhode Island,
Mr. Ellery, ay } ay

Connecticut,
Mr. Huntington, ay
Sherman, ay } ay
Ellsworth, ay

New York,
Mr. Livingston, ay
Floyd, ay } ay
L'Hommedieu, ay

New Jersey,
Mr. Houston, ay } *

Pennsylvania,
Mr. Searle, ay
M'Lene, ay } ay

Maryland,
Mr. Plater, no
Forbes, no } no

North Carolina,
Mr. Burke, ay
Jones, ay } ay

South Carolina,
Mr. Mathews, ay } ay

So it was resolved in the affirmative.

A motion was then made by Mr. [Elbridge] Gerry, seconded by Mr. [Nathaniel] Peabody, to add the words "excepting the State of Massachusetts bay, two of whose battalions shall be recruited by the State of Virginia:"

To which an objection was made as being out of order; and on the question, is the motion in order, the yeas and nays being required by Mr. [Elbridge] Gerry,

[1] "Altered with leave of Congress."

New Hampshire,				*New Jersey,*			
Mr. Peabody,	ay	ay		Mr. Houston,	no	*	
Massachusetts Bay,				*Pennsylvania,*			
Mr. Gerry,	ay			Mr. Searle,	no	div.	
Lovell,	no	div.		M'Lene,	ay		
Holten,	no			*Maryland,*			
Partridge,	ay			Mr. Plater,	no	no	
Rhode Island,				Forbes,	no		
Mr. Ellery,	no	no		*Virginia,*			
Connecticut,				Mr. Griffin,	no	*	
Mr. Huntington,	no			*North Carolina,*			
Sherman,	ay	no		Mr. Penn,	no		
Ellsworth,	no			Burke,	no	no	
New York,				Jones,	no		
Mr. Livingston,	no			*South Carolina,*			
Floyd,	no	no		Mr. Mathews,	no	no	
L'Hommedieu,	no						

So it was determined that the motion was not in order.

A motion was then made by Mr. [Elbridge] Gerry, seconded by Mr. [Nathaniel] Peabody, to reconsider the question, shall the words moved to be struck out stand? in order to add after "1779," the following words, "excepting the State of Massachusetts Bay, two of whose battalions shall be recruited by the State of Virginia:"

On the question for re-considering, the yeas and nays being required by Mr. [Elbridge] Gerry,

New Hampshire,				*Connecticut,*			
Mr. Peabody,	ay	ay		Mr. Huntington,	ay		
Massachusetts Bay,				Sherman,	no	no	
Mr. Gerry,	ay			Ellsworth,	no		
Lovell,	ay	ay		*New York,*			
Holten,	ay			Mr. Livingston,	no		
Partridge,	ay			Floyd,	no	no	
Rhode Island,				L'Hommedieu,	ay		
Mr. Ellery,	no	no					

New Jersey,		*Virginia,*	
Mr. Houston,	no } *	Mr. Griffin,	no } *
Pennsylvania,		*North Carolina,*	
Mr. Searle,	no } div.	Mr. Penn,	ay }
M'Lene,	ay }	Burke,	no } no
Maryland,		Jones,	no }
Mr. Plater,	no } no	*South Carolina,*	
Forbes,	no }	Mr. Mathews,	no } no

So it passed in the negative.

Mr. [Nathaniel] Peabody, Mr. [Elbridge] Gerry, and Mr. [James] Lovell, then desired that their ayes on the first question be changed into noes, which was agreed to, the determination of the question not being thereby affected.

Adjourned to 10 oClock to Morrow [Monday].

MONDAY, DECEMBER 20, 1779

A letter, of 15, from General Washington, was read:[1]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Roger] Sherman, Mr. [James] Forbes and Mr. [Robert R.] Livingston.

Ordered, That the committee confer with the president and supreme executive council of Pensylvania.

Congress took into consideration the report of the committee, to whom was referred the report of the Committee on the Treasury of 5th November last:

Ordered, That both reports be referred to a committee of the whole.

Congress was then resolved into a committee of the whole, and after some time, the President resumed the chair and Mr. [George] Plater reported that the committee have had under consideration the reports to them referred, but have come to no resolutions thereon and desire leave to sit again:

[1] This letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 247. It is printed in *Writings of Washington* (Ford), VIII, 138.

Resolved, That to morrow Congress be resolved into a committee of the whole to consider farther the reports referred to them.

The committee on the letter, of the 16, from the president and supreme executive council of Pensylvania, delivered in a report.[1]

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of Chaloner and White, agents for Jeremiah Wadsworth, Esq. commissary general of purchases, a warrant issue in his favour on John Stevens, Jun. Esq. treasurer of the State of New Jersey, for two hundred and fifty thousand dollars, in part of the monies raised in the said State for the use of the United States, for the use of his department; for which he is to be accountable.[2]

Adjourned to 10 o'Clock to morrow.

TUESDAY, DECEMBER 21, 1779

A letter, of 17th, from General Washington was read:

Ordered, That it be referred to the Board of War.

A letter, of 18, from J. Lawrance, judge advocate general, was read;[3] Whereupon,

Resolved, That until the further order of Congress, the subsistence of a judge advocate be the same as the present subsistence of a colonel; and that the subsistence of a deputy judge advocate be the same as the present subsistence of a lieutenant colonel.

[1] See under December 27, p. 1411, *post*.

[2] This report, dated December 20, is in the *Papers of the Continental Congress*, No. 136, III, folio 919. The paragraphs printed under December 22, p. 1401, *post*, formed part of this report.

[3] Washington's letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 251. It is printed in the *Writings of Washington* (Ford), VIII, 141. The Lawrance letter is in No. 78, XIV, folio 299.

Whereas it is represented to Congress that the soldiers in the barracks near this city are not properly supplied with wood, and that great injury to the troops and to the citizens may arise therefrom:

Resolved, That the Board of War immediately cause enquiry to be made into the truth of the above representation, and if it shall appear to them to be well founded, that they cause the barrack master to be arrested and duly tried for his neglect, and in the mean time take effectual measures to provide wood for the troops in or near the city of Philadelphia.

A letter, of this day, from Samuel Hodgdon was read:[1]

Ordered, That it be referred to the Board of War.

A report from the Board of War was read; Whereupon,

WAR OFFICE, *December 16, 1779.*

In January, 1777, Colonel Flower received orders from General Washington to raise several companies of artificers for executing the works required in the department of military stores. One of the companies raised under those orders and commanded by Captain Rowe, was sent to serve with the artillery in the field, where it has been very useful. All the Officers originally belonging to this company have quitted the service, one excepted (Lieutenant Preston) who is a prisoner with the Enemy.

In November, 1778, a company of artillery artificers which had served with the Northern army under the command of Captain Noah Nichols, joined Captain Rowe's company, and the whole have since served under Captain Nichols. On the 16th of November, 1776, Captain Nichols was appointed to the command of his company, by a warrant from General Gates. On the first of March last, General Knox filled the vacant offices in the present company, by appointing Thomas Patton, Captain Lieutenant, Bela Nichols, first Lieutenant, and Peter Sears, second Lieutenant. None of them have yet been commissioned. The Officers of Colonel Flower's corps have had commissions giving them rank in their own corps. Captain Nichols and his Officers are entitled to equal privileges; and are anxious to receive their commissions. The dates they ought to bear are certified by

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XI, folio 483.

General Knox. The strength of the company at present is sixty two rank and file. Upon these grounds we beg leave to report:

Resolved, That commissions be granted to the officers of the company of artillery artificers attached to the artillery in the field, and bear date as follows, viz. that of Noah Nichols, captain, November 16, 1776; Thomas Patten, captain lieutenant, March 1st, 1779; Bela Nichols, first lieutenant, March 1st, 1779; Peter Sears, second lieutenant, March 1st, 1779.

We have proposed to leave no vacancy in the company for M^r^ Preston, who would be entitled to the Captain Lieutency, as in that case M^r^ Patten, an Officer indispensably necessary, could not be retained in the service. But a vacancy will be reserved in Colonel Flower's corps for Lieutenant Preston, without injuring his rank, if when released from captivity he should choose to continue in the service.[1]

According to order, Congress was resolved into a committee of the whole and after some time, the President resumed the chair, and Mr. [George] Plater reported that the committee have had under their farther consideration the reports to them referred, but not having come to any resolutions thereon, desire leave to sit again.

Resolved, That an express be sent to the State of Delaware, requesting them to procure, in part of their quota, as much flour as can be obtained within their State, the necessities of the army calling for their immediate and most strenuous exertions.

Resolved, That to morrow Congress be resolved into a committee of the whole to consider farther the reports referred to them.

Adjourned to 10 o'Clock to morrow.

[1] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 659.

WEDNESDAY, DECEMBER 22, 1779

A memorial from Baron de Miklaszewicz was read:

Ordered, That it be referred to the Board of Admiralty.

A letter, of 20, and one, of 22d, from Doctor Morgan, were read:

Ordered, That they be referred to a committee of three:

The members chosen, Mr. [Thomas] McKean, Mr. [John] Mathews and Mr. [William] Ellery.

A memorial from R. Patton and W. Hurrie was read:

Ordered, That it be referred to the Board of Treasury.

A memorial from the aids de camp of Majors General in the American army, was read: [1]

Ordered, That it be referred to the Board of War.

A letter, of 13, from Lewis Dubois, colonel of the fifth New York regiment, was read, praying for leave to resign his commission: [2]

Resolved, That his resignation be accepted.

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. R[obert] R. Livingston, one of the delegates for the State of New York, on his application, for eight thousand dollars; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. [Thomas] Burke, one of the delegates for the State of North Carolina, on his application, for five thousand dollars; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. [James] Lovell, one of the delegates for the State of Massa-

[1] The memorial of Miklaszewicz, dated December 15, is in the *Papers of the Continental Congress*, No. 41, VI, folio 163; another is in No. 78, XV, folio 619; Morgan's letter, dated the 20th, is in No. 63, folio 165; Patton's memorial is in No. 41, VIII, folio 98; and the memorial of the aids is in No. 41, I, folio 47.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 273.

chusetts bay, on his application, for six thousand dollars; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Richard Philips, steward to the President of Congress, on his application, for five thousand dollars, for the use of the President's table; for which the said steward is to be accountable.[1]

That on the application of Charles Pettit, Esq. assistant quarter master general, the following warrants issue in his favour, on account of Major General Greene, quarter master general, for one million four hundred thousand dollars, for the use of his department; for which he is to be accountable;

One on David Rittenhouse, Esq. treasurer of the State of Pensylvania, for two hundred thousand dollars;

One on Thomas Harwood, Esq. treasurer of the State of Maryland, for four hundred thousand dollars;

One on George Webb, Esq. treasurer, of the State of Virginia, for six hundred thousand dollars;

One on his excellency Richard Caswell, Esq. governor of the State of North Carolina, for two hundred thousand dollars; [2]

The said several sums being part of the monies raised by the said States respectively for the use of the United States.

That on the application of Charles Pettit, assistant quarter master general, the following warrants issue in his favour, on account of Major General Greene, quarter master general, for one million of dollars, for the use of his department; for which he is to be accountable, viz;

One on the treasurer, for four hundred thousand dollars;

One on John Lawrence, Esq. treasurer of the State of Connecticut, for one hundred and fifty thousand dollars;

One on Gerardus Bancker, Esq. treasurer of the State of New York, for four hundred thousand dollars;

[1] See note under December 20, p. 1397, *ante*.

[2] This report, dated December 22, is in the *Papers of the Continental Congress*, No. 136, III, folio 925.

One on Samuel Patterson, Esq. treasurer of the State of Delaware, for fifty thousand dollars:

Resolved, That, on the application of the Board of War and Ordnance, a warrant issue on the Treasurer of the State of Pennsylvania for One Million of dollars, in favor of Colonel Benj[a] Flower, Commissary General of Military Stores, for the use of his Department for which he is to be accountable.[1]

Postponed

The three last sums being part of the monies raised by the said states, respectively, for the use of the United States.

That a warrant issue on the treasurer, in favour of Thomas Edison, one of the clerks in the office of the Secretary of Congress, for two thousand five hundred dollars; and

One in favour of John W. Jackson, another of the said clerks, for fifteen hundred dollars, on account of their salaries respectively.

That a warrant issue on the treasurer, in favour of William Geddes, one of the commissioners of the chambers of accounts for six thousand dollars, on account of his salary.[2]

The Board of Treasury, to whom was referred the petition of Paul Fooks, praying an increase of his salary, brought in a report; Whereupon,

Resolved, That Paul Fooks be allowed a salary of 2400 dollars per annum for acting as interpreter to Congress in the French and Spanish languages.

A letter, of 10, from P. Colt, was read:[3]

Ordered, That it be referred to the Board of Treasury.

Resolved, That Monday next be assigned for electing a secretary to Doctor Franklin, minister plenipotentiary of the United States at the court of Versailles.

[1] The original report called for loan office certificates to be issued by the loan office in Pennsylvania. See p. 1423, *post*.

[2] This report, dated December 21, is in the *Papers of the Continental Congress*, No. 136, III, folio 923.

[3] This report, dated December 17, is in the *Papers of the Continental Congress*, No. 136, III, folio 911. Colt's letter is in No. 78, V, folio 441.

~~Mr. R. R. Livingston was put in nomination for that office by Mr. Floyd.~~

Resolved, That so much of the report of the Board of Treasury as relates to an advance to Colonel B. Flower be referred to a committee of three:

The members chosen, Mr. [James] M'Lene, Mr. [William] Floyd and Mr. [Nathaniel] Peabody.

Ordered, That the committee confer with the Board of War on the said report.

According to order, Congress was resolved into a committee of the whole, and after some time, the President resumed the chair, and Mr. [George] Plater reported that the committee have had under their farther consideration the reports referred to them, but have not yet come to any resolutions thereon and desire leave to sit again.

Resolved, That to morrow at 10 o'clock, Congress be resolved into a committee of the whole, to consider farther the reports referred to them.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, DECEMBER 23, 1779

A letter, of 22, from the hon^ble^ the Minister Plenipotentiary of France, was read:

Ordered, That it be referred to the Committee of Commerce.

A letter, of 22d, from the president of the State of Delaware, was read.[1]

The Board of War, to whom was referred the letter ‖of the 21st,‖ from Mr. Hodgdon, field commissary of military stores, brought in a report, which was taken into consideration; and thereupon,

Resolved, That instead of the subsistence allowed by an act of Congress, of the 18th day of February last, to the officers

[1] This letter is in the *Papers of the Continental Congress*, No. 70, folio 719.

in the department of the field commissary of military stores, the following sums be allowed, viz. to the field commissary, 400 dollars per month; to a deputy field commissary, 300 dollars; to a conductor, 100 dollars; to a clerk, 100 dollars; and that this increased subsistence commence the 18th of August last, and continue till the further orders of Congress.

This allowance will increase every ten dollars subsistence before given, to a hundred, as was done in the case of Officers in the line.

The Claim of Commissions and rank cannot be admitted, without granting the same to all Staff Officers. Besides, on the 29th of May, 1778, Congress resolved that no persons thereafter appointed on the Civil Staff of the army should by virtue thereof be entitled to rank.

These Officers are entitled to Clothing by resolves of Congress already passed: nothing more can be done until the clothing is actually provided.[1]

Congress was resolved into a committee of the whole, and after some time, the President resumed the chair, and Mr. [George] Plater reported, that the committee have had under consideration the reports to them referred, and have come to sundry resolutions, but not having yet come to a conclusion, desire leave to sit again.

Resolved, That to morrow at 10 o'clock, Congress be resolved into a committee of the whole, to consider farther the reports referred to them.

The report of the committee of the whole was read.

Resolved, That such sums, not exceeding 20,000,000 Dollars of the Continental Bills of credit, *as shall be found necessary to aid the supplies in the Continental Treasury, until the taxes now levying in the several States for its supply, can be gathered and brought in, be borrowed on* Sterling Bills of Exchange *to be drawn* on the Commissioners of these United States in ~~France,~~ Spain and Holland.

Passed

That said Bills of Exchange be drawn at the rate of *22/6 Sterling for 100 Dollars of the Bills of Credit of these United States that shall be deposited on Loan.*

Passed

[1] This report, dated December 22, 1779, is in the *Papers of the Continental Congress*, No. 147,II, folio 677.

That the Bills to be drawn for payment of any sum so deposited, be drawn at six different periods, viz., at the expiration of the first year from the time of said deposit for one sixth part of the principal loaned, and so on for one sixth part of said principal annually afterwards, until the whole shall be drawn for.

Passed

That the money so deposited shall be on interest at the rate of six per cent. per annum, from the time of the deposit until drawn for as aforesaid; which interest shall also be computed in Sterling, at the rate aforesaid, and included annually in the Bills that shall be drawn for discharge of the principal sum.

Passed

That said Loans be received, and proper receipts therefor given, and Bills of Exchange as aforesaid in payment thereof issued, at any of the Continental Loan Offices in these United States.

Passed

That any who choose it, may at the time of depositing their money receive their first year's interest in Bills payable in 6 months from the date, deducting three per cent: thereon for the half year they shall be paid before the interest becomes due.

Passed

That should any of said Bills of Exchange fail of being honored with punctual payment the drawee or holder shall be paid from the Treasury of these United States the amount of such bills with customary interest and damages in Spanish Milled Dollars at the rate of 4/6.

Not passed

That the Board of Treasury report the proper forms and give the necessary orders for carrying these Resolves into immediate execution.

Passed

Estimate of the sum that might be borrowed, and the payments made for two years with the £200,000 Sterling Congress have ordered to be drawn for.

40,000,000 Dollars at 20 for 1 the above exchange = 2,000,000 Spanish Milled Dollars = £450,,000 sterg.

At 6 equal payments the 1st year principal		£75, 000
do interest		27, 000
		102,,000
2d year principal	75, 000	
do interest	22, 500	
		97. 500 [1]

[1] This report, in the writing of Oliver Ellsworth(?), is in the *Papers of the Continental Congress*, No. 26, folio 95.

The Committee of Foreign Affairs laid before Congress sundry papers relative to the sloop *Chester*, of Amsterdam, which was captured by two American privateers and carried into the port of Charlestown, South Carolina, where she was condemned:

Ordered, That the same be referred to the Committee on Appeals.

The Board of Admiralty, to whom was referred the memorial of Baron Miklaszewicz, report, That there is at this time no vacancy for the memorialist in the marine service, as there are many officers in that line who are unemployed for want of ships:

Resolved, That Congress agree to this report, and that the Baron be notified thereof.

Ordered, That the account of Major N. Rice, for his expence from Charlestown to Philadelphia, on which the commissioners of claims reported, and the consideration postponed the 23 July last, be on his request, returned to him, and that he be referred for a settlement to the commanding officer in the southern department.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, DECEMBER 24, 1779

A petition and representation from Thomas Bentley was read, accompanied with sundry papers:[1]

Ordered, That they be referred to the Board of Treasury.

A letter, of 22, from the Board of Admiralty, was read, relative to the new ship of war building at Portsmouth:

Ordered, That it be referred back to the Board of Admiralty to take order thereon.

A letter, of this day, from G[ouverneur] Morris, was read.

[1] This petition, dated the 23d, is in the *Papers of the Continental Congress*, No. 42, I, folio 195.

The Board of War, to whom was referred the memorial of Baron Benyouski, having reported thereon, Congress took their report into consideration; and thereupon,

AT A BOARD OF WAR, *December 20, 1779.*

The Board having taken into consideration the memorial of Baron Benoufsky are under their usual embarrassment on the subject of the application. This Gentleman produces no credentials to evidence his character or rank in foreign services. We have conversed with him and have no reason, however, to suppose his representations untrue, tho' we cannot ascertain their credit by any vouchers. Let the case be as it may in point of personal character, we are convinced that this Gentleman cannot be employed in our service. We therefore beg leave to report:

That Congress have a grateful sense of the offer to serve the United States made by Baron Benoufsky; but as the circumstances of the army will not admit of his being employed, the Board of War be directed to give him a passport to enable him to return to Europe, and to pay him the sum of dollars towards defraying the expence of his passage.[1]

Resolved, That the Board of War inform Baron Benyouski that the circumstances of the army will not admit of his being employed.[2]

A report from the Board of Treasury was read; Whereupon,

Resolved, That a warrant issue on Thomas Smith, Esq[r], Commissioner of the Continental Loan Office in the State of Pennsylvania, in favor of Eleazer McCombe, Esq[r], one of the Commissioners of the Chambers of Accounts for four Thousand dollars in Loan Office certificates, on account of his Salary.

Postponed

Ordered, That a warrant issue on the treasurer, in favour of Frederick Bicking, for fifteen thousand dollars, in part

[1] On folio 681 is the following letter from the Board:

"WAR OFFICE, *Decr 24, 1779.*

"SIR: The Board, since making their report concerning the gentleman called Baron Benoufsky, have learned some things concerning him not favouring his pretensions; and request that Congress would suspend their determination on the report until the Board shall have made some farther enquiry into his character. We have the honor to be &c"

[2] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 667.

payment for paper made by him for the continental bills of credit; for which sum he is to be accountable.

Resolved, That Robert Patton, messenger, and William Hurrie, doorkeeper of Congress, be in future allowed twenty dollars per day, until the further order of Congress.[1]

On motion of Mr. [James] Forbes, seconded by Mr. [James] Lovell,

Resolved, That the committee appointed to procure intelligence be discharged.

Congress was resolved into a committee of the whole, and after some time, the President resumed the chair, and Mr. [George] Plater reported that the committee have had under farther consideration the reports referred to them, and have come to some farther resolutions, which he was ordered to report.

The report of the committee of the whole was read.

In Congress December 24, 1779.

Resolved, That Hon^ble James Forbes Esq^r and Jer^h Wadsworth, Esq^r be appointed and authorised to contract for flour and provision for the Army, and engage in payment therefor Bills of Exchange ordered to be drawn by the Resolution of the 23^d November last, to the amount of £25,000 sterling, on the best terms in their power, and report their proceedings to Congress, and that the Committee be empowered to employ one or more trusty persons to assist in carrying this resolution into effect.

On the question to agree to this the yeas and nays being required by M^r [Nathaniel] Peabody,

M^r Peabody,	no	M^r Livingston,	ay	M^r Plater,	ay
M^r Gerry,	no	M^r Floyd,	ay	M^r Forbes,	excused
M^r Holten,	ay	M^r L'Hommedieu,	ay	M^r Griffin,	ay
M^r Partridge,	ay	M^r Fell,	ay	M^r Penn,	ay
M^r Ellery,	ay	M^r Houston,	ay	M^r Burke,	ay
M^r Huntington,	ay	M^r Searle,	ay	M^r Jones,	ay
M^r Sherman,	ay	M^r M^cLene,	ay	M^r Mathews,[2]	ay
M^r Ellsworth,	ay	M^r M^cKean,	ay		

[1] This report, dated December 22, is in the *Papers of the Continental Congress*, No. 136, III, folio 927.

[2] This record of the proceedings in the Committee of the Whole, in the writing of Samuel Huntington, is in the *Papers of the Continental Congress*, No. 36, III, folio 509. It is endorsed "Agreed to in Congress."

The committee to whom was referred the letter of 20, from Dr. Morgan, brought in a report, which was taken into consideration; and thereupon,

Resolved, That on the trials of cases not capital before courts martial, the depositions of witnesses not in the line or staff of the army, may be taken before some justice of the peace, and read in evidence, provided the prosecutor and person accused are present at the taking the same, or that notice be given of the times and places of taking such depositions to the opposite party four days previous thereto, where the witness resides within the distance of thirty miles from such party, and six days where the witness resides above the distance of thirty, and not exceeding eighty miles, and a reasonable time for a greater distance.

On the question to agree to this resolution, the yeas and nays being required by Mr. [Nathaniel] Peabody,

New Hampshire,		*Pennsylvania*,	
Mr. Peabody,	no } no	Mr. Searle,	ay } ay
Massachusetts Bay,		M'Lene,	ay }
Mr. Gerry,	ay } ay	*Delaware*,	
Holten,	ay }	Mr. M'Kean,	ay } ay
Rhode Island,		*Maryland*,	
Mr. Ellery,	ay } ay	Mr. Plater,	ay } ay
Connecticut,		Forbes,	ay }
Mr. Huntington,	ay	*Virginia*,	
Sherman,	ay } ay	Mr. Griffin,	ay } *
Ellsworth,	ay	*North Carolina*,	
New York,		Mr. Penn,	ay } ay
Mr. Floyd,	ay } ay	Jones,	ay }
L'Hommedieu,	ay }	*South Carolina*,	
New Jersey,		Mr. Mathews,	ay } ay
Mr. Fell,	ay } ay		
Houston,	ay }		

So it passed in the affirmative.

Resolved, That to encourage witnesses who do not belong to the army to attend on courts martial and give their evidence *viva voce* when required by the judge advocate, the reasonable expences of such witnesses shall be defrayed by the United States, and paid by the pay master to the Board of War and Ordnance, being first adjusted by the said Board.

A state of Mr. Benjamin Randolph's account with the late President was laid before Congress and read:

Ordered, That the same be referred to the Board of Treasury.

Adjourned to 10 o'Clock on Monday.

MONDAY, DECEMBER 27, 1779

A letter, of 23; and one, of 24, from General Washington, were read, enclosing intelligence of the sailing of a large fleet from New York:

Ordered, That the same be referred to the Board of War, and that the Board be directed to forward on the Virginia troops with all expedition.

A letter, of 20, from J. Beatty, commissary of prisoners;

And one, of 25, from Baron Miklaszewicz, were read.

A letter, of 24, from Mr. du Simitière,was read; [1] Whereupon,

Congress took into consideration the report of the committee on Mr. du Simitière's memorial, of 22 July last; and after debate,

Resolved, That the farther consideration thereof be postponed till Friday next.

[1] Washington's letters are in the *Papers of the Continental Congress*, No. 152, VIII, folios 255 and 261; the enclosure is on folio 267; Beatty's letter is in No. 78, III, folio 425; that of Miklaszewicz, in No. 78, XV, folio 615; that of Du Simitière, in No. 78, XX, folio 483.

Congress took into consideration the report of the committee to whom was referred a letter from the president of the State of Pensylvania, to the delegates of that State, dated 15 December instant, and thereupon came to the following resolution:

Whereas it appears to Congress, from the representation of the delegates of the State of Pensylvania, that disputes have arisen between the states of Pensylvania and Virginia, relative to the extent of their boundaries, which may probably be productive of serious evils to both states, and tend to lessen their exertions in the common cause: therefore,

Resolved, That it be recommended to the contending parties not to grant any part of the disputed land, or to disturb the possession of any persons living thereon, and to avoid every appearance of force until the dispute can be amicably settled by both states, or brought to a just decision by the intervention of Congress: that possessions forcibly taken be restored to the original possessors, and things placed in the situation in which they were at the commencement of the present war, without prejudice to the claims of either party.[1]

Congress took into consideration the report on the post office; Whereupon,

Resolved, That the post office be so regulated as that the post shall set out and arrive at the place where Congress shall be sitting twice in every week, to go so far as Boston, in the State of Massachusetts bay, and to Charleston, in the State of South Carolina:

~~And that the weekly post be continued to all other places as at present established.~~

~~That the whole expensive system of express riding be totally abolished, except by the particular order of Congress upon very special occasions.~~

[1] This report, in the writing of Robert R. Livingston, is in the *Papers of the Continental Congress*, No. 20, II, folio 63.

That as the 40000 Dollars, granted by Congress on the 23d of October last were principally to discharge the arrears of the Post Office, and a further grant being at present absolutely necessary for continuing the functions of the said office, your Committee report that a warrant issue on the Treasurer, in favor of the Post Master General for the sum of 30,000 dollars, he to be accountable.

Your Committee farther report that as the three surveyors of the Post Office are allowed but 20 dollars a day a sum inadequate to their heavy expences in travelling the roads, that they be allowed the sum of 40 dollars a day, to commence from the 28th of August last, and also yearly clothing for themselves only, upon the same terms under which officers of the army draw clothing from the clothier general.

That a warrant issue on the treasurer, in favour of the post master general, for the sum of thirty thousand dollars, to the use of that department; for which he is to be accountable.

That all express riders in the pay of the United States be discharged, and that no established express riders be in future maintained at the public expence:

Resolved, That the three surveyors of the post office be allowed the sum of forty dollars a day, until the further order of Congress:

That as the duties of the post master general and comptroller will henceforward be considerably increased by the above resolutions, the salary of the post master general be five thousand dollars per annum, and the comptroller's be four thousand dollars per annum.

Ordered, That the Board of War and the quarter master, his assistants and deputies in Philadelphia, be informed immediately of the aforesaid resolutions.[1]

Congress took into consideration the report of the committee of the whole; and thereupon,

Resolved, That bills to the amount of seventy five thousand pounds sterling of the money directed to be drawn for by a resolution of Congress, passed the 23d day of November last,

[1] This report, in the writing of Cyrus Griffin, is in the *Papers of the Continental Congress*, No. 61, folio 463.

be sold at the rate of twenty five dollars in continental bills of credit, for four shillings six pence sterling, on condition that the persons purchasing the same lend to the United States a sum of money equal to the sum paid for the bills, for which they shall receive six per cent. per annum interest.

Resolved, That one hundred thousand pounds sterling, the residue of the sum for which Congress have determined to draw on Mr. Jay and Mr. Lawrence, be drawn in manner following: [1]

Adjourned to 10 oClock to Morrow.

TUESDAY, DECEMBER 28, 1779

A letter, of 26 November, from the president of New Hampshire, was read, accompanied with a copy of "an act to allow appeals to Congress in certain maritime causes," passed by that State:

Ordered, That the said copy be referred to the Committee on Appeals.

A letter, of 29 November, from the council of Massachusetts Bay, was read, accompanied with the proceedings of a committee appointed by the legislature of that State "to investigate the causes of the failure of the expedition to Penobscot, and to examine into the conduct of the commanders by land and sea employed in the said expedition," [2] &c.

Ordered, That the minutes of the said proceedings lie on the table for the perusal of the members.

A letter, of 20th, from Nathan Denison, was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of 27, from Don Juan de Mirailles, was read:

[1] These paragraphs, in the writing of Robert R. Livingston, are in the *Papers of the Continental Congress*, No. 26, folio 99. It originally read to call for £100,000 at twenty for one in specie.

[2] The New Hampshire letter is in the *Papers of the Continental Congress*, No. 44, folio 191; the Massachusetts proceedings are in No. 65, II, folio 17.

Ordered, That it be referred to the Board of Admiralty, to take order thereon.

A letter, of this day, from Captain Galvan, was read, soliciting the rank of lieutenant colonel in the army of the United States:[1]

Resolved, That Captain Galvan be informed his request cannot be complied with.

On motion of Mr. [James] Forbes, seconded by Mr. [John] Fell,

Resolved, That hereafter all applications for promotion in the army of the United States of America be made to the Board of War, and all applications for promotion in the navy to the Board of Admiralty, and that they report to Congress.

The Board of Treasury, to whom was referred a memorial of Captain Joseph Baldesqui, pay master to Brigadier Count Pulaski's legion, report,

That by a certificate of Messrs. Johnson and Howell, auditors of the main army, dated at West Point, the 24 August, 1779, accompanying the said memorial, it appears that Captain Baldesqui has duly and regularly settled his accounts, as pay master to Count Pulaski's legion, to the first day of March last; and that on the whole of the evidence before the Board, they are of opinion he has discharged his duty with strict integrity and honor:

Resolved, That Congress concur in the said report.

Ordered, That the report of the Board on the accounts of Benjamin Randolph, be re-committed.

The Board, having examined the account of Benjamin Randolph against the Honble John Jay, Esq^r^, late President of Congress, referred to them the 24 instant, beg leave further to report:

[1] This letter is in the *Papers of the Continental Congress*, No. 78, X, folio 191.

That Mr Randolph charges for Liquors and Provisions furnished the President's Table, from the 9 of January to the 23d of March, 1779,	£193	7	6
For the use of his house and furniture from the 14th of December, 1778, to the 25 of March, 1779,	1442	17	1
For repairs of damage done to his House and furniture,	851	12	6
Amounting to	2487	17	1
That he credits against said account	25		
which deducted leaves	2462	17	1
Equal to	6567 55/90 dollrs		

That as no contract was made with Mr Randolph, the Board on the above State submit the following Resolution:

That a warrant issue on the Treasurer in favor of Benjamin Randolph for dollars and 90ths in payment for the use of his House and furniture from the 14 of December, 1778, to the 25 of March, 1779, for Repairs of damage done to the same, and for sundry Liquors and Provisions furnished by him to Mr Jay, late President of Congress, while the said House was occupied by him.[1]

The Committee on the Post office brought in a report, which was read; Whereupon,

Resolved, That the rate of postage, until the further order of Congress, be twenty prices upon the sums paid in the year 1775:

That single letters, directed to any officer of the line, and all letters directed to general officers or to officers commanding in a separate department, [and all letters to and from the ministers, commissioners and secretaries of these United States at foreign courts, be free.][2]

Congress took into consideration the report of the committee to whom was referred the letter of 2d November last, from the governor of Connecticut; and, thereupon,

[1] This report, dated December 27, is in the *Papers of the Continental Congress*, No. 136, III, folio 931. The Randolph account was passed by the Board of Treasury, January 7, 1780.

[2] The remainder of this day's entries was made by George Bond. The words in brackets were not in the original report, which is, in the writing of Cyrus Griffin, in the *Papers of the Continental Congress*, No. 61, folio 453.

Resolved, That Congress entertain a just sense of the great and effectual exertions of the State of Connecticut in the common cause, and of the readiness with which they have executed the measures recommended to them:

That as any alteration in the quotas established by the resolution of the 7 of October last, would probably be productive of confusion and embarrassment, it be recommended to the said State to raise the quota therein assigned to them, confiding that due attention will in future be paid to the circumstances mentioned in Governor Trumbull's letter of the 2d of November last:

That Congress are earnestly disposed to do full justice to every State in the liquidation and allowance of all regular and necessary expenditures, and have established the means of adjusting and settling all accounts of the respective states with the United States, in order that due attention may be seasonably paid to that object; but cannot in the present critical posture of affairs, assent to the retaining of any part of the taxes raised for general use, as an example of that kind might involve the most fatal consequences:

That it be recommended to the said State, and to every other State similarly circumstanced, to refrain from calling out and stationing Militia, except in Cases of indispensable necessity, in order that every Expense not essential may be retrenched and avoided, and the Community better enabled to furnish the necessary Supplies for carrying on the War.

That continental pay and rations, agreeably to the resolutions of the 2d and 6th of June, 1778, be allowed for the service of the militia which shall appear to have been necessarily employed for the defence of the said state, between the first day of April and first day of November last:[1]

[1] This report, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 20, I, folio 285.

On passing the last of the foregoing resolutions, the yeas and nays being required by Mr. [James] Forbes,

Massachusetts Bay,			*Pennsylvania,*		
Mr. Gerry,	ay	ay	Mr. Searle,	ay	ay
Lovell,	ay		M'Lene,	ay	
Holten,	ay		Shippen,	ay	
Partridge,	ay		*Maryland,*		
Rhode Island,			Mr. Plater,	ay	div.
Mr. Ellery,	ay	ay	Forbes,	no	
Connecticut,			*North Carolina,*		
Mr. Huntington,	ay	ay	Mr. Penn,	ay	ay
Sherman,	ay		Burke,	ay	
New York,			Jones,	no	
Mr. Floyd,	ay	div.	*South Carolina,*		
L'Hommedieu,	no		Mr. Mathews,	ay	ay
New Jersey,					
Mr. Fell,	ay	ay			
Houston,	ay				

So it was resolved in the affirmative.

Adjourned to 10 oClock to Morrow.

WEDNESDAY, DECEMBER 29, 1779

A report from the Board of War, on the memorial of Lieutenant Colonel Derick, being read,

Resolved, That in consideration of the peculiar circumstances attending the case of Lieutenant Colonel Derick, that gentleman receive the pay and subsistence of lieutenant colonel in the army of the United States from the date of his brevet until the further order of Congress.

A report from the Board of War, on the memorial of Captain Baldesqui, was read;[1] Whereupon, Congress came to the following resolution:

[1] These reports are in the *Papers of the Continental Congress*, No. 147, II, folios 689, 691.

The circumstances of the corps lately commanded by General Count Pulaski not now requiring a pay master, and Captain Joseph Baldesqui, its present pay master, for that reason and from the situation of his private affairs, desiring leave to resign,

Resolved, That his resignation be accepted.

Resolved, That Major General Lincoln be empowered, if he shall think it for the good of the service, to reduce the corps lately commanded by Brigadier Count Pulaski, and to incorporate such of the men as remain, into such of the regiments of horse and infantry under his command, as he shall think proper; the men so incorporated to be, nevertheless, considered as part of the quotas of the states to which they belong.[1]

Another report from the Board of War, on the memorial of Brigadier General Muhlenberg, was read: Whereupon, Congress came to the following resolution:

The Board having taken into consideration the memorial of Brigadier General Muhlenberg, complaining of injury done him in the promotion of General Woodford; and it appearing to the Board that the memorialist, from a becoming zeal for the Service, would be satisfied with an explanation of the resolution of Congress, passed on the 19th of March, 1778, on the subject, beg leave to report the following explanatory resolution:

Whereas Congress did, on the 19th day of March, 1778, resolve that General Washington call in and cancel the commissions of Brigadiers General Woodford, Muhlenberg, Scott and Weedon, and that new commissions be granted them, and that they rank in future agreeably to the following arrangement, Woodford, Muhlenberg, Scott, Weedon:

And that Congress being informed that uneasiness has arisen with some of those gentlemen, least the arrangements being so materially

[1] This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 147, II, folio 693. The last phrase is in the writing of Samuel Huntington.

altered, may occasion reflexions prejudicial to the characters of those gentlemen who are placed inferior in command,

Resolved, That Congress entertain the most favourable opinion of the merit and characters of the gentlemen mentioned in the resolution before recited.

Resolved, That the arrangement made therein was founded upon principles not affecting the personal characters or comparative merits of those officers.[1]

A report from the Board of Treasury, on the petition of Thomas Bentley, was read; Whereupon,

Resolved, That the case of the petitioner doth not differ from that of many others, whose application for compensation of damages have not been allowed, and that his request cannot be granted.

A report from the Board of War on the letter, of 30 November, from Captain Galvan, was read.

AT A BOARD OF WAR, *December 27th, 1779*.

The Board having considered Mr. Galvan's letter of the 30th ult, beg leave to state his pretensions to the rank and office he requests.

He came to America in 1776, and arriving at Charles Town accepted a second Lieutenancy in one of the Continental Regiments raised in the State of South Carolina. This he says was the only grade then in the Power of that State to confer. After this, at the request of the President of that State, he undertook a voyage to France to procure military stores; which Commission he appears to have executed to the satisfaction of his employers. Upon his return from France he had some expectations of raising an independent Corps; but being disappointed, and not succeeding in his attempts to introduce a reformation in the exercises used among the Troops at Charles Town, he resigned his commission, and came to the northward to join the main army; which he effected in 1778. From that time he has served as a volunteer, attaching himself at different periods, to the Families of General Gates and General de Kalb. During his whole residence and services in America, he has supported himself without any expence to the United States.

[1] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 685.

Mr. Galvan's abilities are acknowledged by all who have had the pleasure of his acquaintance; and his long and particular study of tactics, and his industry, render him particularly fit for the duties of the inspectorship. He has exhibited divers specimens of his abilities as a tactician; particularly of late a Plan of Manoeuvres for the Horse, which he caused to be performed much to the satisfaction of the Commander in Chief. Upon a former occasion when we expected the Affrican Corps would have been raised, we thought he might be very useful in disciplining them, and accordingly reported that he should be appointed a Sub-inspector with the rank of Lieutenant Colonel. Baron Steuben requests he may now be appointed to the Office of Sub-Inspector. But for this purpose he must have the rank of Lieutenant Colonel. The Board, tho' possessing the most favourable opinion of Mr. Galvan, yet knowing in what estimation rank in the Army was *now* held, and how difficult it was to introduce an officer not in the usual line of promotion, wrote to General Washington on the subject. His answer we do ourselves the honour to inclose. The General seems to be decidedly of opinion that Mr. Galvan cannot be admitted to the rank of Lieutenant Colonel, at the same time declaring his conviction of his talents and merit, and that his knowledge, application and industry would render him useful: but thinks the rank that may be given him should not exceed that of a Major, as such, to be employed in the inspectorship as circumstances may make it convenient.

If upon the whole Congress should be of opinion that Mr. Galvan's merit and qualifications intitle him to the rank and office he requests, we would beg leave to report:

That Mr. Galvan be appointed a sub-inspector, with the rank of Lieutenant Colonel in the army of the United States, to be employed therein as the Commander in Chief shall direct.

Should Congress not think proper to agree to the above report, we would beg leave to report:

That Mr. Galvan receive the commission of Major in the army of the United States, and be employed in the inspectorship, as the Commander in Chief shall direct.[1]

[1] This report is in the *Papers of the Continental Congress*, No. 147. III, folio 619.

On the question to agree to the resolution for granting Mr. Galvan the commission of Major, the yeas and nays being required by Mr. [John] Mathews;

Mr. Peabody,	no	Mr. Searle,	no
Mr. Lovell,	ay	Mr. McLene,	no
Mr. Holten,	no	Mr. Shippen,	no
Mr. Partridge,	no	Mr. Plater,	no
Mr. Huntington,	no	Mr. Forbes,	no
Mr. Sherman,	no	Mr. Burke,	no
Mr. Floyd,	no	Mr. Jones,	no
Mr. Fell,	no	Mr. Mathews,	no [1]
Mr. Houston,	no		

It being suggested by the Board of War that a plan has been proposed to them which they conceive may be advantageous in procuring necessaries for the army ~~which they conceive are not at liberty to mention except to a select committee of Congress~~;

Resolved, That a committee of three be appointed to confer with the Board of War on the subject ~~to authorize them either to proceed therein or decline the same.~~ [and report their opinion to Congress whether the plan is practicable and would be attended with advantage:] [2]

The members chosen, Mr. [Thomas] Burke, Mr. [Elbridge] Gerry, and Mr. [John] Mathews.

A petition of David Bloyde was read: [3]

Ordered, That it be referred to the Board of Treasury to take order thereon.

The committee appointed to report proper salaries to the purchasing commissaries &c. delivered in their report:

Ordered, That to morrow be assigned for the consideration of the report of the committee on General Washington's letter, of 18 November last.

Adjourned to 10 o'Clock to Morrow.

[1] The vote is endorsed by Charles Thomson on the report. See under January 12, 1780.

[2] This motion, in the writing of Robert R. Livingston, is in the *Papers of the Continental Congress*, No. 27, folio 95. The words in brackets are in the writing of Samuel Huntington.

[3] This petition, dated the 23d, is in the *Papers of the Continental Congress*, No. 42, I, folio 193.

THURSDAY, DECEMBER 30, 1779

Mr. [Cyrus] Griffin, a delegate from Virginia, laid before Congress an exemplification of an act of the general assembly of that State, empowering any one of their delegates to give the vote of the State, in the following clause:

"Be it therefore enacted by the general assembly that from and after the passing of this act, five shall be the number of persons to represent this commonwealth in general congress, any one of which or a majority of those present, if more than one, to give the vote of the commonwealth."[1]

An appeal from the judgment of a court of admiralty for the State of Maryland on the libel Harman Courter *vs.* brig *Pitt*, was lodged with the secretary and referred to the Committee on Appeals.

That a warrant issue on the treasurer, in favour of George Bond, deputy secretary to Congress, for four thousand dollars, on account of his salary.

That a warrant issue on the treasury, in favour of John Nicholson, one of the clerks in the chamber of accounts, for three thousand dollars, on account of his salary.[2]

Ordered, That the report of the Board of Treasury for advances to the commissary general be re-committed.

A report from the Board of War on a letter from Edward Williams, ensign in the 8th Virginia regiment, was read; Whereupon,

Resolved, That the resignation of Ensign Edward Williams, of the 8th Virginia regiment, be accepted.[3]

Mr. N[athaniel] Folsom, a delegate for New Hampshire, attended, and produced the credentials of his appointment, which were read, as follows:

[1] This act is in the *Papers of the Continental Congress*, No. 71, I, folio 295.

[2] This report, dated December 30, is in the *Papers of the Continental Congress*, No. 136, III, folio 937.

[3] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 695.

STATE OF NEW HAMPSHIRE,
IN THE HOUSE OF REPRESENTATIVES, Oct^{r} 29th, 1779.

Voted, That the Hon. Gen^{l} Whipple and the Hon Gen^{l} Folsom be and hereby are chosen Delegates to represent this State in the Hon^{ble} Continental Congress for one year from the first day of November next and until relieved or recalled by order of the General Assembly of this State, and that each of them in the absence of the other have full power to represent this State with all such powers, privileges and immunities as other Delegates from this State have heretofore had, held and enjoyed. Sent up for concurrence.

JOHN LANGDON, *Speaker.*

In Council, November 3^{d} 1779. Read and concurred.

E. THOMPSON, *Secr^{y}.*

Copy examin'd by E. THOMPSON, *Secr^{y}*[1]

A letter, of 4th, from the president of New Hampshire, was read:[2]

Resolved, That the order of the day be postponed.

The Medical Committee delivered in a report;

Also the committee appointed to confer with the Board of War delivered in a report.

Congress took into consideration the report of the committee appointed to report proper salaries for the purchasing commissaries, and some time being spent thereon,

Adjourned to 10 o'Clock to Morrow.

FRIDAY, DECEMBER 31, 1779

A letter, of 30, from the honourable the Minister Plenipotentiary of France, and a memorial from Mr. Holker, were read, respecting a demand for damages to the owners of the ship *Holy Martyrs*, captured by an American privateer, and acquitted on an appeal:

Ordered, That it be referred to a committee of three:

[1] The original is in the *Papers of the Continental Congress*, New Hampshire, *Credentials of Delegates*.

[2] This letter is in the *Papers of the Continental Congress*, No. 64, folio 94.

The members chosen, Mr. [Thomas] M'Kean, Mr. [William] Ellery and Mr. [Thomas] Burke.

A memorial from F. Hopkinson, treasurer of loans, was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of 30th, from the Board of War; one, of 31, from Jeremiah Wadsworth; and a letter from G[ouverneur] Morris, were read:[1]

Resolved, That Monday next be assigned for taking into consideration the report of the Medical Committee.

The committee appointed to confer with the Board of War report as their opinion, that the plan communicated to them by the Board appears practicable, and if carried into execution promises supplies of certain articles immediately wanted for the troops at much less expence and with greater dispatch than they can otherwise be procured; that no coertion is requisite in the execution; that the expence will not exceed half a million of continental dollars, and the risque to the United States is inconsiderable:[2]

A letter, of 27, from General Washington, was read giving intelligence of a second embarkation of troops sailing from New York on the 26 instant:

Ordered, That copies be sent by express to the governors of Maryland and Virginia.

A letter, of 25, from General Washington, was read, enclosing a representation from Elizabeth Burgin:[3]

Ordered, That the same be referred to the Board of War.

A letter, of this day, from the Board of Admiralty was read, enclosing sundry letters respecting Captain Papley:

[1] The memorial of Hopkinson is in the *Papers of the Continental Congress*, No. 41, IV, folio 83; that of the Board of War is in No. 147, II, folio 699; that of Wadsworth, in No. 78, XXIV, folio 149.

[2] This report, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 27, folio 93.

[3] Washington's letters are in the *Papers of the Continental Congress*, No. 152, VIII, folios 271, 312.

Ordered, That the same be referred to the Board of Admiralty to take order thereon.

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. [Allen] Jones, one of the delegates for the State of North Carolina, for six thousand dollars, on his application; for which the said State is to be accountable.

Ordered, That a warrant issue on the treasurer, in favour of John Biddle, Isaac Howell, Peter Thomson, Isaac Snowden and Nathaniel Falconer, inspectors of the continental press for three thousand dollars, each; for which they are to be respectively accountable.

Whereupon, *Resolved*, that the same be referred to the Board of War, and that they be authorised to take order.

The committee, to whom was referred the report of the Board of War on the petition of Robert Jewell;

The Committee to whom was referred the Report of the Board of War on the Petition of Robt. Jewell beg leave to Report,

That twenty five dollars and one ration *a Day* be allowed to Robert Jewell, Keeper of the New Goal in Philadelphia; seventeen dollars and one ration a day to each of his assistants, and eight dollars and one ration a day to his Turnkey, in full for their services and subsistence, until the further orders of Congress; and that the pay aforesaid commence the eighteenth day of August last.[1]

[1] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 19, III, folio 283. The adopted report is printed under January 1, 1780, *post*. On the report is the record of a vote taken on a motion of James Forbes, as follows:

Mr Folsom,	ay	ay	Mr. Fell,	ay	div.
Mr Gerry,	ay		Mr. Houston,	no	
Mr Lovell,	ay	ay	Mr Searle,	ay	
Mr Holten,	no		Mr McLene,	ay	ay.
Mr Ellery,	no	no	Mr Shippen,	ay	
Mr Huntington,	ay		Mr Plater,	ay	div.
Mr Sherman,	no	ay	Mr Forbes,	no	
Mr Ellsworth,	ay		Mr Griffin,	ay	ay
Mr Floyd,	ay	div.	Mr Jones,	no	*
Mr L'hommedieu,	no		Mr Mathews,	ay	ay

And the committee appointed to report a proper allowance for the officers of sundry departments brought in their several reports.[1]

Congress resumed the consideration of the report of the committee respecting the commissary and quarter master's departments, and made some progress therein:

On the question to agree to the following proposition:

"That one and three-fourths per cent. be allowed to each of the assistant purchasing commissaries upon all the purchases made within their respective states, out of which they shall pay all inferior deputies, and defray the whole expence attending such purchases: nor shall they or either of their deputies be entitled to rations or forage, except when called by the necessary business of their departments to attend the army, in which case, they shall be permitted to draw rations for themselves and one servant each, and forage for two horses.

"And whereas, the payment of commissions is, on the one hand, necessary, in order to apportion the wages of the officer to the business that passes through his hands, while, on the other, the increased prices at which provisions are sometimes necessarily laid in, may subject them to unjust censure:

"That all commissions on the produce of the country shall be rated in continental bills of credit at twenty for one on the price at which such produce sold in the year 1774, and at thirty for one on all foreign commodities."

A division was called for, and the yeas and nays being required by Mr. [James] M'Lene, on the first paragraph, for granting commissions, rations and forage in certain cases:

New Hampshire,			*Rhode Island,*		
Mr. Peabody,	no	no	Mr. Ellery,	ay	ay
Folsom,	no		*Connecticut,*		
Massachusetts Bay,			Mr. Huntington,	no	
Mr. Gerry,	no	no	Sherman,	ay	ay
Holten,	no		Ellsworth,	ay	

[1] See under January 27, 1780.

New York,			*Maryland,*		
Mr. Livingston,	ay	ay	Mr. Plater,	no	div.
Floyd,	ay		Forbes,	ay	
L'Hommedieu,	ay		*Virginia,*		
New Jersey,			Mr. Griffin,	ay	ay
Mr. Fell,	no	no	*North Carolina,*		
Houston,	no		Mr. Penn,	ay	div.
Pennsylvania,			Burke,	no	
Mr. Searle,	ay	div.	*South Carolina,*		
M'Lene,	no		Mr. Mathews,	no	no
Delaware,					
Mr. M'Kean,	no	no			

So it passed in the negative.

Adjourned to 10 oClock to Morrow.

APPENDIX

EXPENDITURES FOR THE YEAR 1779

EXPENDITURES FOR THE YEAR 1779 [1]

TO THE BOARD OF ADMIRALTY OR MARINE COMMITTEE.

Jan.	16.	To the Marine Committee for navy board,	eastern	district,	150,576
Feb.	3.	do.	middle	do.	20,000
	19.	do.	eastern	do.	500,000
March	9.	do.	do.		30,000
May	11.	do.	do.		500,000
	31.	do.	middle	do.	100,000
Aug.	16.	do.	do.		300,000
Dec.	14.	To Board of Admiralty for	do.		50,000
				DOLLARS	1,650,576

TO THE BOARD OF WAR.

Jan.	9.	For purchase of arms, linen, &c.	87,621 72–90
Aug.	20.	To pay Wm. Henry for repair of arms, &c.	20,000
Sept.	2.	For purchase of military stores	300,000

TO JOSEPH CARLETON, PAYMASTER TO THE BOARD OF WAR.

Jan.	9.	To pay G. Rice for building barracks in Albemarle county	23,000
	30.	To be advanced from time to time to the commissary of hides	150,000
Feb.	3.	To exchange bills of emissions of May 1777, and April 1778,	70,000
		For the purchase of military stores	100,000
Feb.	13.	For recruiting Armand and Pulaski's corps	144,000
Feb.	26.	To exchange bills of emissions of May 1777, and April 1778,	10,000
March	9.	For use of the war department	150,000
	30.	To exchange bills as aforesaid out of circulation	5,000
April	19.	To pay for cloathing purchased by the Board of War	1,000,000
May	5.	To pay Mr. Hughes on a contract for cannon and shot	120,000
	17.	For re-enlisting the 8th Pennsylvania and 13th Virginia regiments	100,000
	22.	To exchange bills as aforesaid out of circulation	6,000

[1] This appendix was printed in the original issue of the Journals (1782), but was omitted from the subsequent issues. It is based upon a record kept by Charles Thomson in the first of the so-called "Dispatch Books" (*Papers of the Continental Congress*, No. 185), in which were entered the letters and papers received by Congress, the disposition made of them, and the composition of the committees. This record was begun on January 1, 1779, and at the end of Volume I is found this financial statement. In the pages following are noted the changes to be made in the printed Journals, but these were already embodied in the text.

June	4. For contingent demands on the office	150,000	
July	8. To provide cloathing for the army	1,000,000	
Sept.	9. To discharge in part, a bill of Otis and Henly for cloathing	20,000	
	15. To purchase cloathing for the army	1,000,000	
Oct.	23. To discharge a draught of W. Smith for cloathing purchased	41,198	60–90
Nov.	12. The purpose not specified	1,000,000	
	22. To continue the purchase of cloathing	1,000,000	
Dec.	4. To continue the purchases of cloathing	1,000,000	
	DOLLARS	7,496,820	42–90

SUMS ADVANCED TO NATHANAEL GREENE, QUARTERMASTER GENERAL.

Jan.	9. For the use of the quartermaster's department,	1,000,000
	16. For do.	1,500,000
Feb.	11. For do.	1,500,000
Mar.	2. For do.	4,000,000
April	5. For do.	5,000,000
May	11. For do.	5,000,000
June	4. For do.	5,000,000
	22. For do.	5,000,000
July	23. For do.	5,000,000
Aug.	20. For do.	5,000,000
Sep.	17. For do.	400,000
Oct.	4. For do.	5,000,000
	14. For do.	2,700,000
	20. For do.	700,000
Nov.	12. For do.	3,000,000
	24. For do.	617,000
Dec.	7. For do.	3,500,000
	18. For do.	102,000
	22. For do.	2,400,000
	DOLLARS	56,419,000

SUMS ADVANCED TO THOMAS MIFFLIN, LATE QUARTERMASTER GENERAL

March	6. To discharge arrearages in his late department,	80,000
May	26. To discharge debts due in do.	50,000
Aug.	17. To discharge debts due in do.	20,000
Sep.	15. To discharge wages due in waggon department in do.	12,000
	DOLLARS	162,000

SUMS ADVANCED TO JEREMIAH WADSWORTH, COMMISSARY GENERAL OF PURCHASES

Jan.	9. For the purchase of provisions	2,500,000
	13. For do.	1,500,000
Feb.	11. For do.	2,300,000

March 2.	For the purchase of provisions	2,700,000
25.	For do.	4,200,000
May 11.	For do.	4,500,000
June 12.	For do.	4,000,000
July 8.	For do.	5,800,000
Aug. 9.	For do.	2,500,000
Sep. 4.	For do.	5,600,000
29.	For do.	400,000
Oct. 15.	For do.	8,000,000
Nov. 15.	For do.	2,000,000
Dec. 14.	For do.	3,300,000
16.	For do.	2,000,000
18.	For do.	1,200,000
20.	For do.	250,000
	DOLLARS	52,750,000

ADVANCED TO PATRICK LOCKHART

June 18.	For supplying the troops on the western expedition	166,666 30–90

SUMS ADVANCED TO CHARLES STEWART, COMMISSARY GENERAL OF ISSUES

March 22.	For the use of his department	120,000
Oct. 9.	To pay wages of issuing commissaries and clerks, from Feb. 1st to 1st of Nov. last	298,800
	DOLLARS	418,800

SUMS ADVANCED TO ISAAC MELCHER, BARRACKMASTER GENERAL

Jan. 13.	For the use of his department	50,000
March 9.	For do.	100,000
May 22.	For do.	200,000
Oct. 29.	For do.	400,000
	DOLLARS	750,000

SUMS ADVANCED TO COMMITTEE OF COMMERCE

Jan. 16.	To pay J. Pringle for ship *Mercury* ensured by them	5,666 60–90
20.	To pay bills drawn on them by agents employed by them	62,460
Feb. 3.	To pay a debt due to Samuel Curson	103,200
9.	To pay for a bill of exchange of 1000 l. sterl. exchange at 9 for 1	24,000
26.	To pay for blankets, hose, &c. purchased for the army	50,000
March 5.	To procure cloathing	500,000
	DOLLARS	745,326 60–90

SUMS ADVANCED FOR INDIAN AFFAIRS

April 27.	To commissioners for Indian affairs at Albany, in specie	60 dol.	
May 31.	To do. in do.	152 dol.	
June 1.	To committee of Congress for Indian affairs		5,333 30–90

SUMS ADVANCED TO BENJAMIN FLOWER, COMMISSARY GENERAL OF MILITARY STORES

Jan. 9.	For the use of his department		100,000
Feb. 11.	For do.		150,000
March 6.	For do.		150,000
April 19.	For do.		500,000
June 15.	For do.	to be paid from time to time	500,000
Sept. 15.	For do.	do.	500,000
Dec. 14.	For do.		1,000,000
		DOLLARS	2,900,000

TO WILLIAM HENRY, OF LANCASTER

Feb. 19.	For purchase of leather accoutrements shoes, &c. and for repairing arms		80,000
June 15.	For do.		50,000
		DOLLARS	130,000

SUMS ADVANCED IN CLOATHING DEPARTMENT

Feb. 19.	To James Mease		35,100
	To James Wilkinson, cloathier general		
Aug. 20.	To be applied by commissaries of hides in the purchase of leather, shoes, &c. for the army		300,000
Sept. 4.	To defray the contingent expences of the department		20,000
Oct. 23.	For the use of the hide department		100,000
27.	For do.		50,000
Nov. 15.	For do.		180,000
			685,100

SUMS ADVANCED IN THE PAY-OFFICE DEPARTMENT

To William Palfrey, paymaster general.

Jan. 16.	For the use of the northern department, paid to T. Reed	100,000	
30.	For recruiting service	500,000	
	For pay and expences of the army	1,000,000	
March 17.	For do.	1,015,000	
April 12.	For do. paid draughts on him		3,503 77–90
17.	For his bill in favour of Viscount Laumagne	7,320	
27.	For northern department, paid to Thomas Reed	500,000	
May 13.	For pay of the army paid his draught in favour of P. Audibert	2,500	
26.	For do.	1,000,000	

June	5.	Paid his bill and advanced to him	5,000	
	12.	For the forces in Virginia to be sent to B. Harrison	100,000	
	29.	For pay and expences of troops in the western district	100,000	
July	17.	For the use of the main army sent to J. Pierce	1,000,000	
Aug.	3.	For forces in Virginia, B. Harrison accountable	100,000	
Sep.	11.	For main army, J. Pierce to be accountable	1,000,000	
	29.	For the western district, sent to J. Boreman	200,000	
Nov.	15.	For the use of his department	1,150,000	
	30.	For troops in South Carolina, sent to Joseph Clay	2,000,000	
		For do. at fort Pitt, sent to John Boreman	150,000	
Dec.	14.	For the use of his department, on application of J. Burrell	150,000	
	18.	For do. to be sent to J. Pierce, on do.	1,000,000	
		DOLLARS	11,083,323	77–90

SUMS ADVANCED TO JOHN LEWIS GERVAIS DEPUTY PAYMASTER IN SOUTH CAROLINA

Feb.	3.	For the use of his department	1,000,000	
March	19.	For do.	1,000,000	
Aug.	3.	To Joseph Clay, deputy paymaster in South Carolina	500,000	
	30.	do. for use of Georgia or southern department	500,000	
Sep.	29.	To John Lewis Gervais, late deputy paymaster for do.	146,584	
		DOLLARS	3,146,584	

SUMS ADVANCED TO EBENEZER HANCOCK, DEPUTY PAYMASTER IN THE EASTERN DEPARTMENT

March	6.	For the use of his department	100,000	
	24.	For recruiting the battalions at Providence	300,000	
		For pay and subsistance of troops in the department	300,000	
May	11.	For do. a bill drawn by General Gates	33,333	30–90
	22.	For the troops at Rhode Island	600,000	
		DOLLARS	1,333,333	30–90

SUMS ADVANCED IN THE HOSPITAL DEPARTMENT

Feb.	26.	To Jonathan Potts, deputy director	150,000
March	10.	To do.	150,000
April	16.	To do.	500,000
Sep.	29.	To do.	221,144
Jan.	16.	To doctor Isaac Forster, deputy director eastern district	75,000
April	27.	To do.	100,000
June	12.	To do.	150,000
Nov.	25.	To do.	150,000
June	29.	To S. Kennedy for rent of hospital at Yellow Springs	5,000
		DOLLARS	1,501,144

SUMS ADVANCED FOR COMMISSARY OF PRISONERS DEPARTMENT

April	10.	To Elias Boudinot, late commissary of prisoners		7,998	32–90
		To do. in specie	4,717 14–90		
	19.	To John Beatty, commissary gen. of prisoners do.	50,000		
July	17.	To do.		10,000	
Nov.	15.	To do. paid Thomas Bradford		15,000	
			CONTINENTAL DOLLARS	32,998	32–90

SUMS ADVANCED FOR THE POST OFFICE

Jan.	16.	To Richard Bache, postmaster general	20,000	
April	6.	To do.	11,967	30–90
May	22.	To do.	10,000	
Oct.	23.	To do.	40,000	
Dec.	27.	To do.	30,000	
		DOLLARS	111,967	30–90

SUMS ADVANCED TO THE COMMISSIONERS OF CONTINENTAL LOAN OFFICES TO EXCHANGE BILLS OF EMISSIONS OF MAY 20, 1777, AND APRIL 11, 1778, CALLED OUT OF CIRCULATION

July	12.	To Nicholas Gilman, of New Hampshire,	271,264	
July	12.	To Nathaniel Appleton, of Massachusetts,	4,138,412	
	13.	To do.	600	
	17.	To John Lawrence, of Connecticut,	543,684	
		Joseph Clark, of Rhode Island,	399,862	
	8.	To do.	500	
	17.	Nicholas Ten Broeck, of New York,	980,917	
	23.	Thomas Smith, of Pennsylvania,	2,000,000	
	12.	Samuel Patterson, of Delaware,	70,000	
	17.	Thomas Harwood, of Maryland,	1,988,365	
	22.	William Armistead of Virginia,	2,787,557	60–90
Aug.	10.	James Green, of North Carolina,	500,000	
		of South Carolina,	1,500,000	
Feb.	27.	Board of Treasury to exchange	40,000	
June	26.	Delegates of Maryland to exchange money paid Brigadier Smallwood,	9,736	
		DOLLARS	15,230,897	60–90

SUMS ADVANCED TO THE STATES

To NEW HAMPSHIRE

March	9.	On application of the delegates,	3,000
May	22.	On application of Mr. Whipple,	4,000
Aug.	16.	do. Mess'rs. Whipple and Peabody,	8,000

Sept.	15.	On application of Mr. Whipple,		3,000
	29.	do.	Mr. Peabody,	5,000
Oct.	13.	do.	Mr. Langdon	6,000
Nov.	16.	do.	do.	4,000
	26.	do.	Mr. Peabody	5,000
			Dollars	38,000

To Massachusetts

Jan.	16.	On application of the delegates		6,000
April	5.	do.	Mess'rs Adams, Holten and Gerry	7,500
May	22.	To repay 500,000 in August with interest at six per cent.		800,000
June	15.	On application of Mr. S. Adams		1,500
Aug.	9.	do.	Mess'rs Gerry, Holten and Lovell	13,000
Sep.	29.	do.	Mr. G. Partridge	5,000
Dec.	3.	do.	Mr. S. Holten	5,000
	22.	do.	Mr. J. Lovell	6,000
			Dollars	844,000

To Rhode Island

June	29.	On application of the delegates		300,000
Aug.	4.	do.	Mr. J. Collins	2,000
Sept.	4.	do.	Mr. H. Marchant	3,000
	21.	do.	Mr. J. Collins	4,000
Oct.	4.	do.	do.	4,000
Nov.	12.	do.	Mr. Marchant	300,000
	22.	do.	do.	6,000
			Dollars	619,000

To Connecticut

Jan.	16.	On application of the delegates		2,000	
Feb.	19.	do.	Mr. O. Ellsworth	1,200	
March	13.	Gov. Trumbull's bill to J. Holker		20,650	52–90
	17.	On application of Mr. Dyer and Mr. Root		6,000	
April	9.	do.	Mr. Spencer	1,000	
May	11.	do.	Mr. Sherman	2,000	
	22.	To repay the same in August with interest		150,000	
June	12.	On application of Mr. Spencer		2,000	
July	3.	do.	Mr. Sherman	2,000	
		do.	Mr. Huntington	1,500	
		To supply their quota of troops with cloathing		200,000	
Aug.	20.	On application of Mr. Spencer		2,000	
Sep.	2.	do.	Mr. Root	2,000	
	15.	do.	Mr. Huntington	2,000	
	17.	do.	Mr. Spencer	3,000	

Oct.	20.	On application of	Mr. Sherman	2,000
	27.	do.	Mr. Root	5,000
Nov.	26.	do.	do.	2,000
	10.	do.	Mr. Sherman	3,000
			DOLLARS	409,350 52–90

TO NEW YORK

Jan.	2.	On application of	Mr. G. Morris	2,000
March	2.	do.	Mr. Floyd	2,000
May	13.	do.	do.	2,000
	22.	do.	Mr. Duane	3,000
June	7.	do.	Mr. G. Morris	2,000
Aug.	16.	do.	Mr. Duane	3,700
Sept.	15.	do.	Mr. Jay	3,000
Oct.	8.	do.	Delegates	300
	13.	do.	Mr. F. Lewis	8,000
	23.	do.	Mr. G. Morris	4,000
Nov.	30.	do.	Mr. Schuyler	2,000
Dec.	6.	do.	Mr. Floyd	5,000
	7.	do.	Mr. L'Hommedieu	5,000
	22.	do.	Mr. R. R. Livingston	8,000
March	9.	To D. Ten Broeck to pay interest on certificates		5,000
			DOLLARS	55,000

TO NEW JERSEY

Jan.	9.	On application of	Mr. Scudder	500
Feb.	9.	do.	Mr. Fell	500
	11.	do.	Mr. Frelinghausen	500
March	17.	do.	Mr. Frelinghausen and Mr. Witherspoon	1,200
April	9.	On application of	Mr. Fell	500
June	7.	do.	Mr. Fell	1,000
July	8.	do.	Mr. Scudder	1,500
Aug.	10.	do.	Mr. Fell	1,000
	26.	do.	Mr. Witherspoon	2,000
Sep.	15.	do.	Mr. Scudder	1,000
Oct.	13.	do.	Mr. Fell	2,000
Nov.	24.	do.	Mr. Scudder	500
	25.	do.	Mr. Witherspoon	1,600
Dec.	1.	do.	Mr. Fell	2,300
			DOLLARS	16,100

TO PENNSYLVANIA

Jan.	16.	On application of the president of the state	160,000
April	9.	To be repaid with interest at six per cent.	2,000,000
	27.	On application of Mr. Atlee	1,500

June	15.	On application of	Mr. Muhlenberg	1,500
Aug.	6.	do.	Mr. M'Lene	1,400
	10.	do.	Mr. Atlee	1,500
	20.	do.	Mr. Wynkoop	1,200
Sep.	17.	do.	Mr. Muhlenberg	1,500
	30.	do.	Mr. Wynkoop	1,500
Oct.	20.	do.	do.	2,000
		do.	Mr. Searle	3,000
			Dollars	2,175,100

To Delaware

Dec.	4.	For payment of bounties to their recruits	36,000

To Maryland

April	27.	To purchase flour for the continental army		500,000
May	7.	To purchase do.	do.	800,000
	22.	On application of the delegates		10,000
Aug.	2.	do.	do.	6,000
Nov.	4.	do.	Mr. Forbes	5,000
Dec.	11.	do.	Mr. Plater	6,000
			Dollars	1,327,000

To Virginia

Feb.	19.	On application of the delegates		20,000
April	27.	do.	do.	10,000
May	22.	Lent, to be paid in August, with interest at six per cent.		300,000
Aug.	26.	Lent, to be paid with interest		400,000
Sep.	9.	On application of the delegates		15,000
	29.	do.	do.	10,000
Dec.	1.	do.	Mr. Griffin	10,000
			Dollars	765,000

To North Carolina

Jan.	9.	On application of	the delegates, for the use of their troops	20,808 70–90
	30.	do.	Messieurs Burke and Hill	1,000
		do.	the delegates, for their militia	2,000
Feb.	19.	To discharge a bill of J. Ashe, treasurer		450
March	15.	On application of	messieurs Burke and Hill	6,000
April	10.	do.	delegates for their troops	25,000
	19.	do.	Mr. Penn	3,000
	27.	do.	Messieurs Burke and Hill	4,000
		do.	Mr. Sharpe	2,500

July	14.	On application of the state		1,000,000
	29.	do.	Mr. Penn	4,000
Aug.	2.	do.	delegates for their troops	33,000
	6.	do.	Mr. Harnett	3,000
	10.	do.	Mr. Burke	6,000
		do.	Mr. Sharpe	4,000
	12.	do.	Mr. Penn	2,000
Sep.	6.	do.	Mr. Hughes	5,000
	17.	do.	delegates for use of their troops	60,000
	21.	do.	do. do.	100,000
	29.	do.	Mr. Harnett	4,000
Nov.	6.	Paid bills drawn by J. Nash, treasurer		1,000
Oct.	4.	On application of Mr. Sharpe		2,500
Nov.	4.	do.	Mr. Harnett	4,000
	15.	do.	Mr. Sharpe	3,000
Nov.	18.	On application of Mr. Harnett for administrator of Mr. Hewes		3,000
Dec.	6.	do.	Mr. Sharpe	3,500
	11.	do.	Mr. Harnett	5,000
	22.	do.	Mr. Burke	5,000
	30.	do.	Mr. Jones	6,000
			DOLLARS	1,318,758 70–90

TO SOUTH CAROLINA

Feb.	3.	On application of Mr. Drayton		1,500
April	16.	do.	Messieurs Drayton and Laurens	41,000
Aug.	9.	do.	Messieurs Drayton and Mathews	10,000
Sep.	15.	do.	delegates	10,000
Dec.	2.	do.	Mr. Mathews	5,000
			DOLLARS	67,500

TO GEORGIA

April	12.	On application of Mr. Langworthy	6,000
May	14.	For so much paid to Mr. J. Wood and Mr. Brownson in 1777, but not charged at the time	14,000
		DOLLARS	20,000

FARTHER SUMS ADVANCED IN THE PAY-OFFICE DEPARTMENT

For the pay of the invalid regiment.

Jan.	9 and 20.	3857 5–90
Feb.	9.	2102 26–90
March	30.	2275 5–90
April	12.	2152 70–90
May	13.	2300 4–90
June	12.	2373 6–90

July	23.		2247 2-90		
Aug.	17.		2144 34-90		
Sept.	9.		2419 54-90		
Oct.	14.		4067 43-90		
Nov.	4.		5996 56-90		
				31, 935	35-90
		To Lotbinier, a chaplain from Canada for his pay		1, 182	
Feb.	3.	Pay of Capt. Peery's company at Lewistown	4345 55-90		
	9.	do. of three companies on western frontiers	2526 68-90		
	13.	Colonel L. Cadwallader's regiment	5000		
April	16.	Militia at Winchester guarding prisoners	17, 315 10-90		
May	.	Col. Geiger's battalion of Pennsylvania militia	798 34-90		
	11.	Col. Gibson's, the 13th Virginia regiment	7213		
June	7.	For cloathing to troops under Brigadier General Varnum to be deducted from their pay	1434 76-90		
				38. 633	63-90
March	13.	To mons. Faillie	125		
April	16.	To baron Steuben	6500		
Aug.	20.	To General Gates	1055 60-90		
				7, 680	60-90
Feb.	13.	To the Commander in Chief, specie	1000		
		Major General Lee 300 l. sterl. do.			
Jan.	13.	To James Willing	250		
April	13 and 17.	Marquis de Britigny	5000		
May	3 and Nov. 6.	Brigadier du Portail	1767 22-90		
	3.	Colonel Radière	800		
		Villefranche	600		
				8, 417	22-90
Sums advanced to sundry officers to enable them to return to Europe				27, 100	
To others as a gratuity				1, 960	
		Sums advanced for the President's Household.			
Nov.	12.	To Mr. Laurens for his expences as president		35, 000	
		To W. Young, steward to Mr. Jay from the 6th of March to Oct		25, 000	
		To Phillips do. to Mr. Huntington		23, 000	
					83, 000

PAID THE SALARY OF CIVIL OFFICERS

January	12, 139	22-90
February	609	76-90
March	15, 265	54-90
April	11, 414	13-90
May	9, 403	65-90
June	12, 555	60-90
July	19, 087	36-90
August	25, 255	

September	23,078 81–90	
October	28,845 57–90	
November	47,272	
December	69,100	
		274,027 14–90

PAID IN DISCHARGE OF ACCOUNTS SETTLED BY THE AUDITORS FOR SERVICES PERFORMED

January	12,575 17–90	
February	10,020 36–90	
March	20,747 69–90	
April	7,044 68–90	
May	11,066 12–90	
June	37,330 1–90	
July	6,054 64–90	
August	23,475 13–90	
September	34,083 60–90	
October	30,480 13–90	
November	16,181 45–90	
December	45,539 82–90	
		254,599 30–90

BILLS DRAWN ON THE MINISTER AT THE COURT OF VERSAILLES

June 15.	In favour of Mr. de Beaumarchais	2,400,000 livres
Oct. 8 and 12.	Mess'rs Fouquet	7,800

STANDING COMMITTEES

STANDING COMMITTEES[1]

Admiralty, Board of

3 December,	1779.	George Bryan
		William Floyd
		James Forbes
7 December,	1779.	Francis Lewis
9 December,	1779.	William Ellery, in place of William Floyd

Appeals

9 March,	1779.	William Henry Drayton
		William Ellery
		John Henry
		Jesse Root
		William Paca
29 July,	1779.	William Henry Drayton
		John Henry
		Jesse Root
		Henry Marchant
		Edmund Randolph
27 August,	1779.	William Paca, in place of Randolph
14 October,	1779.	James Mercer, in place of Drayton
		Cyrus Griffin, in place of Paca
7 December,	1779.	Ezra L'Hommedieu, in place of Marchant
		William Ellery, in place of Root.

Commerce

22 November,	1779.	Cyrus Griffin, in place of Laurens
		Christopher Harnett, in place of Lewis

Foreign Affairs

24 February,	1779.	Eliphalet Dyer, in place of Ellsworth
24 November,	1779.	William Churchill Houston
		Robert R. Livingston

[1] See pages 1275–1277 of Vol. XII. I now give such appointments only as were made in 1779.

Indian

4 May,	1779.	James Duane
		John Armstrong
		Thomas Burke
		Henry Laurens
		Roger Sherman

Marine

24 February,	1779.	Richard Henry Lee
		John Fell
		James Searle
2 June,	1779.	Samuel Huntington
		William Fleming
16 August,	1779.	Samuel Holten, in place of S. Adams
		James Forbes, in place of John Henry
		Joseph Hewes, in place of Penn
18 August,	1779.	John Mathews, in place of Drayton
28 September,	1779.	Woodbury Langdon, in place of Whipple
		Jesse Root, in place of Huntington
		James Mercer, in place of Fleming

Medical

12 January,	1779.	Thomas Burke
		Thomas Adams
3 September,	1779.	Nathaniel Peabody
		Frederick A. Muhlenberg

Post Office

4 January,	1779.	William Paca
		William Ellery
		Henry Laurens
7 October,	1779.	Cyrus Griffin
		Samuel Holten
		William Churchill Houston
23 October,	1779.	John Dickinson
		Roger Sherman

South Carolina and Georgia [Southern Department]

8 July,	1779.	Henry Laurens
		Henry Marchant
		Samuel Holten
23 September,	1779.	Cornelius Harnett
		William Fitzhugh
10 November,	1779.	John Mathews, in place of Laurens
9 December,	1779.	Thomas Burke, in place of Marchant

Treasury

14 January,	1779.	William Carmichael
24 February,	1779.	Frederick Frelinghuysen.
1 March,	1779.	Cyrus Griffin
27 August,	1779.	Joseph Hewes, in place of Duane
6 September,	1779.	Henry Marchant, in place of Griffin
30 September,	1779.	Roger Sherman, in place of Carmichael
21 October,	1779.	Samuel John Atlee, in place of Armstrong
9 November,	1779.	William Churchill Houston
		William Sharpe
13 December,	1779.	William Floyd, in place of Sharpe

War, Board of

8 April,	1779.	Joseph Spencer, in place of F. L. Lee
		Samuel John Atlee, in place of Root
26 September,	1779.	Jesse Root, in place of Spencer
23 November,	1779.	Robert R. Livingston, in place of Atlee

BIBLIOGRAPHICAL NOTES

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BIBLIOGRAPHICAL NOTES

January 2.

Recall of counterfeited Bills.

237. Whereas these United States . . . . and Whereas counterfeits have appeared. F°. Broadside.

A copy is in the John Carter Brown Library. It measures 31 x 21 cms.

January 2.

Description of Counterfeits.

238. Description / of / Counterfeit Bills, / Which were done in Imitation of the True Ones ordered by the Honorable / the Continental Congress, / Bearing Date 20th May, 1777, and 11th April, 1778. F°. Broadside.

A copy is in the Library of Congress, and measures 40 x 21 cms. It is signed in MS. by John Gibson, who added: "Permit no copy of these Descriptions to be taken, unless at the Request of the Executive Authority of the State to be placed in confidential hands."

January 9.

Resolutions on Prisoners.

239. In Congress, / January 9, 1779 / . . . . / Philadelphia, Printed by John Dunlap. F°. Broadside.

A copy is in the Washington Papers, Letters to Washington, 92, folio 32, and measures 32½ x 18½ cms.

January 12.

Circular Letter of Instructions.

240. Treasury-Office, January 12, 1779. F°. Broadside.

A letter to the Commissioners of the loan office on exchanging the counterfeited emissions of bills of credit.

January 12.

Directions for retiring Currency.

241. Instructions / from the / Board of Treasury / to the respective / Commissioners of the Continental / Loan-Offices. / Treasury-Office, January 12, 1779. F°. Broadside.

January 14.

Address to the People on the Currency.

242. In Congress January 13, 1779. / . . . . / Philadelphia, Printed by John Dunlap. F°. 1 l.

It contains four resolutions on withdrawing the bills of credit of the emissions of May 20, 1777, and April 11, 1778, in the following order: Resolutions of January 13, January 2, January 5 and January 14, 1779. A copy is in the Library of Congress. It measures 41 x 25 cms.

"The Committee on the Treasury who were directed to extract from the Journals the several resolutions respecting finance, in order that they may be printed reported that they had executed that business, and are of the opinion that the circular letter and the resolutions of the 2d and 5th instant be printed on one sheet . . . [and] that one hundred copies . . . be struck off.

"Resolved, That Congress agree to the report." *Journals.*

January 14.

Resolutions on the Currency.

243. In Congress. / October 8, 1778. / . . . . / Philadelphia. Printed by John Dunlap. F°. Broadside.

Contains also the resolutions of November 19, 1778, and January 1 and 14, 1779.

February 23.

Orders to Commissioners of Loan Offices.

244. Treasury-Office, / February 23d., 1779. F°. Broadside.

February.

Observations on the Revolution.

245. Observations / on the / American Revolution. / Published / according to a Resolution / of Congress, / by their Committee. / For the / Consideration of those who are desirous / of comparing / The Conduct of the opposed Parties, / and / The several Consequences which have / flowed from it. / Philadelphia: / Printed by Styner and Cist, in Second-Street. / MDCC LXXIX. 8°. pp. (4) 122.

See *Journals*, April 5, 1779. Advertised in the *Pennsylvania Packet* of February 27, 1779. In the advertisement in the issue of March 2 is the following: "§‖§ In the above Treatise, page 98, line 3, the words "*of civil war*" ought to be left out. The reader will please take notice thereof."

March 2.

Resolutions on Arrearages.

246. In Congress, / March 2, 1779. / . . . . / Printed by Hall and Sellers. 1779. F°. Broadside.

March 5.

Resolutions on Soldiers' Certificates.

247. In Congress, March 5, 1779. / . . . . / Printed by Hall and Sellers. 1779. F°. Broadside.

March 6.

Resolutions concerning Admiralty Decisions.

248. In Congress, / March 6, 1779. / . . . . / Philadelphia: / Printed by David C. Claypoole, Printer to / the Honorable the Congress of the United States of America. F°. Broadside.

March 15.

Dragoons and Artillery.

249. In Congress, / March 15, 1779. / . . . . / Printed by Hall and Sellers. 4°. Broadside.

A copy is in the *Papers of the Continental Congress*, No. 147, III, folio 345. It measures 26 x 20 cms.

March 20.

Recommendation of Fast.

250. Proclamation. / . . . . / Philadelphia: Printed by Hall and Sellers. F°. Broadside.

251. State of New Hampshire. / In Committee of Safety, April 10th, 1779. / Ordered, / That the following Proclamation . . . / be . . . printed. Exeter; New Hampshire: Printed by Zachariah Fowle, 1779. F°. Broadside.

A copy is in the Massachusetts Historical Society. It measures 40 x 31 cms.

March 23.

Ordinance for Clothing Department.

252. In Congress, / March 23, 1779. / Ordinance for regulating the Clothing Department for / the Armies of the United States. / . . . . / Printed by Hall and Sellers. F°. 1 l.

253. In Congress, / March 23, 1779. / Ordinance for regulating the Cloathing De- / partment for the Armies of the United States. / . . . . Philadelphia: Printed by David C. Claypoole, Printer to the / Honorable the Congress. F°. Broadside.

A copy is in the Washington Papers, *Letters to Washington*, No. 93, folio 303. It measures 31½ x 19½ cms.

March 23—Continued.

254. In Congress, / March 23, 1779. / Ordinance for regulating the Clothing Department for the Armies of the United States.

F°. Broadside.

March 29.

Steuben's Regulations.

255. Regulations / for the / Order and Discipline / of the / Troops / of the / United States. / Part 1. / Philadelphia: / Printed by Styner and Cist, in Second-street. / M DCCLXXIX.

12°. pp. 154, [9], 8 plates.

"The Engraving of the Plates and correcting the Press, will I am afraid detain me till the middle of April, and as before that time the season will permit the Troops to exercise, I think it would be necessary they should be exercised in detail on the Principles laid down. If your Excellency approves it, I will send Col. Fleury, who has assisted me in composing the Regulations, to receive your Orders on the Subject. He may carry with him a Copy of that part of the Regulations which is necessary, and each Adjutant take a copy, that the Troops may begin to put them in practise." *Steuben to Washington*, March 17, 1779. Washington Papers. *Letters to Washington*, 30, folio 404.

"In my last I had the honor of informing your Excellency that the Regulations would be printed by the middle of April, till which I proposed staying here in order to hurry the work as much as possible. I did not then foresee a thousand little things that retard the progress of the work and which now convince me it will be the last of April before it can be finished. I have therefore prevailed on Col° Pickering to take charge of correcting the sheets as they are printed, and intend by the 15th next month to have the honor of receiving your Excellency's orders for the Execution of the new system." *Steuben to Washington*, March 31, 1779. Washington Papers, *Letters to Washington*, 31, folio 144.

256. Regulations for the Order and Discipline of the Troops of the United States. Part 1. Hartford: Hudson and Goodwin. [1779]

Sm. 8°. pp. 138, (6), plates.

257. For the / Use of the Militia / of Pennsylvania. / An / Abstract / Of a System of / Military Discipline: / Framed by / The Hon. the Baron Steuben, / Major General and Inspector General of the / Armies of these United States. / Approved by / His Excellency General Washington. / Confirmed by / The Hon. the Congress. / Philadelphia:/ Printed by Francis Bailey, in Market-Street./ M. DCC. LXXIX.

Sm. 8°. pp. 38.

258. Regulations / for the / Order and Discipline / of the / Troops / of the / United States. / Part 1. / Hartford: / Printed and sold by Nathaniel Patten. / [1780] 8°. pp. 107 (1), 8, plates.

March 29—Continued.

259. Regulations / for the / Order and Discipline / of the / Troops / of the / United States. / Part 1. / Hartford: / Printed by Hudson & Goodwin. [1782.] 12°. pp. 89, (6), 8 plates.

260. Regulations / for the / Order and Discipline / of the / Troops/ of the / United States. / Part 1. / Philadelphia: / Printed by Charles Cist, at the corner of / Fourth and Arch-streets. M, DCC, LXXXV. 8°. pp. (4), 151 (7).

261. Regeln / für die / Ordnung und Disciplin / der / Truppen/ der/ Vereinigten Staaten. / Erster Theil. / Aus dem Englischen übersetzt. / Philadelphia: / Gedruckt bey Carl Cist, No. 104, in der / Zweyten-strasse, / nah bey der Rehs-strasse, 1793. 8°. pp. 84, (4) 8 plates.

A copy is in the Library of Congress.

Editions were printed in nearly all the States in 1793 and 1794 to meet the requirements of the Militia act of May 8, 1792.

April.

Washington's Proclamation on Deserters.

262. [Proclamation.]

The Proclamation is dated at Head Quarters, Middle Brook, March 10, 1779. It was printed in the *Pennsylvania Packet*, March 20, 1779.

"We have been informed that from the Want of extensive Circulation of the News Papers your Excellency's Proclamation in Favour of Deserters has not had the Effect it would have had were it more known to the Persons who are the Objects of it. We have had it struck off in Hand Bills and dispersed as far as the Time would admit." *Board of War to Washington*, April 13, 1779. Washington Papers, *Letters to Washington*, 31, folio 280.

April 5.

Directions for Transmitting Currency.

263. Treasury-Office. April 5th, 1779. F°. Broadside.

April 12.

Lottery Scheme.

264. United States Lottery. / The Scheme is, / That this Lottery consists of Four Classes, of One Hundred Thousand Tickets each. / . . . . / Philadelphia: Printed by John Dunlap, in Market-Street. F°. Broadside.

A resolution of Congress of April 15, 1779, is contained in this broadside. A copy is in the Library of Congress, measuring 43 x 26 cms.

April 14.

Visiting the Enemy's Lines.

265. In Congress, / April 14, 1779. / . . . . Philadelphia: Printed by Hall and Sellers. F°. Broadside.

A copy is in the Washington Papers, *Letters to Washington*, 93, folio 100. It measures 24 x 18 cms.

April 22.

Treasury Reports.

266. Reports / of the / Board of Treasury / relative to Finance. F°. 7 ll.

See Journals, April 22, 1779.

A copy is in the Library Company of Philadelphia.

It contains seven reports, of which only No. II is dated, March 31, 1779 (adopted May 28, 1779). No. III was also adopted on May 28, No. IV, on May 21, and No. I, on July 30.

May 10.

Report on Exchange of Prisoners.

267. Report / of / Commissioners / for / Settling a Cartel / for the / Exchange of Prisoners. / Philadelphia: / Printed by David C. Claypoole / Printer to the Honorable the Congress of / the United States of America. / MDCCLXXIX. 8°. pp. 20.

"Two dozen Copies of the Report of our Commissioners for Settling a Cartel are herewith sent. It is the wish of Congress that they may be conveyed to our Prisoners with the Enemy." *Jay to Washington*, June 4, 1779. Washington Papers, *Letters to Washington*, 93, folio 192.

May 22.

Supernumerary Officers.

268. In Congress, / May 22, 1779. / . . . . Philadelphia: Printed by David C. Claypoole, Printer to / the Honorable the Congress of the United States of America. F°. Broadside.

It also contains the resolutions of November 24, 1778. A copy is in the Washington Papers; *Letters to Washington*, 93, folio 167. It measures 29 x 18½ cms.

May 26.

Address to the States.

269. To the / Inhabitants / of the / United States of America. / Philadelphia: Printed by David C. Claypoole, Printer to the / Honorable the Congress of the United States of America. F°. 1 l.

It was printed in large type and double column, in the inside pages of the *Pennsylvania Packet*, May 29, 1779.

May 26—Continued.

270. State of Massachusetts-Bay. In Council, June 11, 1779. Resolved, That the following Address be printed in Hand-Bills and sent to the several Ministers of the Gospel &c. F°. Broadside.

A copy is in the Library of Congress. It measures 49 x 37½ cms.

271. To the / Inhabitants / of the / United States of America. / [Hartford, 1779.] F°. Broadside.

With the order of Jonathan Trumbull.

272. Circular Letter from Congress to sustain the credit of the United States. Poughkeepsie, 1779.

From an auction catalogue.

July 23.

Report on Departments.

273. Report of the committee for regulating Departments, &c. F°. pp. 4.

"*Ordered*, That sixty copies be printed for the use of the members." *Journals.*

A copy is in the Library of Congress, in the *Papers of the Continental Congress*, No. 39, II, folio 62. It measures 30 x 18½ cms.

July 30.

Treasury Ordinance.

274. In Congress, July 30, 1779. / Ordinance for establishing a Board of Treasury, and the proper / Officers for managing the Finances of these United States. F°. Broadside.

August 25.

Prices of Soldiers' Clothing.

275. An Estimate of the Average Price in December / 1778, of the different Articles of Cloathing. . . . F°. Broadside.

Signed James Wilkinson, and dated as above. A copy is in the Washington Papers, *Letters to Washington*, 93, folio 338. It measures 30 x 18 cms.

September 13.

Circular Letter to People.

276. A / Circular Letter / from the / Congress / of the / United States of America / to their / Constituents. / Philadelphia: / Printed by David C. Claypoole, / Printer to the Honorable the Congress. 8°. pp. 12.

See *Journals*, August 10 and September 13, 1779.

An Edition in German was printed by Styner and Cist.

September 13—Continued.

277. A / Circular Letter / from the / Congress / of the / United States of America / to their / Constituents. / Philadelphia: Printed September, 1779. / Boston: Re-printed by Order of the / General Assembly of the State of Massachusetts Bay. 8°. pp. 15.

278. A / Circular Letter / from the / Congress / of the / United States of America / to their / Constituents. / Philadelphia, Printed: / New London: Re-printed by T. Green. 12°. pp. 19.

October 20.

Thanksgiving Proclamation.

279. Proclamation / State of Massachusetts-Bay. / Council-chamber in Boston, November 3, 1779. / F°. Broadside.

A copy is in the Massachusetts Historical Society.

280. Proclamation . . . . Hartford: Printed by Hudson and Goodwin. F°. Broadside.

A copy is in the Massachusetts Historical Society. It measures 42 x 33 cms.

October 29.

Courts of Appeals.

281. [Report of a Committee appointed to prepare a plan for the establishment of courts of appeals for determining captures on water.]

See *Journals*, October 29, 1779.

November 25.

Resolutions for Supplies.

282. In Congress, / November 25th, 1779. / . . . . / Philadelphia: Printed by David C. Claypoole, Printer to the Honorable the Congress. F°. Broadside.

December 3.

Table of Loan Office Certificates.

283. Table / of the Sums actually in circulation / between the 1st of September and the / 30th of November, 1779, inclusive, / and of the Sums that will be in circu- / lation from thence to the 28th of Fe- / bruary, 1780, to serve as a rule to / the Commissaries of the several Loan- / Offices of the United States in the / payment of interest due, / and that will become due, on Loan-Office Certifi- / cates. / . . . . / Philadelphia: Printed by David C. Claypoole. 8°. pp. 7.

Signed R. Troup.

December 3—Continued.

Prize Numbers in Lottery.

284. A / List / of the / Fortunate Numbers / in the / Second Class / of the / United States Lottery. / Philadelphia: / Printed by John Dunlap, in Market-street. / MDCCLXXIX. 8°. pp. 54.

Table of Interest.

285. A / Table / of the / First Years Interest / To be paid on the Monies which have / been placed in the several Continental / Loan Offices, between the 1st of June / and 1st of December 1778, calculated / for each day on which the Money may / have been deposited in pursuance of a Re- / solution of the Congress of the 29th of / June 1779. 8°. pp. 7.

Signed R. Troup.

Journals, January.

286. Journals / of / Congress / from Friday, January 1st, / to / Monday, February 1st, 1779. / Philadelphia: / Printed by David C. Claypoole, Printer to / the Congress of the United States of America. / MDCCLXXIX. F°. pp. 12.

See Journals, March 31, 1779.

Complete sets of this monthly and weekly issue are in the New York Public Library (Ford Collection) and the Pennsylvania Historical Society. The Library of Congress has all but the issue for January, 1779.

Journals. February.

287. Journals / of / Congress, / from / Monday, February 1st, / to / Monday, March 1st, 1779. / Philadelphia: / Printed by David C. Claypoole, / Printer to the Honorable the Congress of / the United States of America. 8°. pp. 50.

Journals. March.

288. Journals / of / Congress, / from / Monday, March 1st, / to / Tuesday, March 30, 1799, inclusive. / Philadelphia: / Printed by David C. Claypoole, / Printer to the Honorable the Congress of the United States of America. 8°. pp. 56.

Journals. Weekly Issues.

289. Journals / of / Congress, / from / Wednesday, March thirty-first, / to / Saturday, April tenth, 1779, / inclusive. / Philadelphia: / Printed by David C. Claypoole, / Printer to the hon. the Congress of / the United States of America. 8°. pp. 24.

The first of the weekly parts. The titles of the following successive issues vary from this only as noted.

December 3—Continued.

290. * / Monday, April 12th, / to / Saturday, April 17th, 1779, / inclusive. / 8°. pp. 19.

291. * / Monday, April 19th, / to / Saturday, April 24th, 1779, / inclusive. / 8°. pp. 24.

292. * / Saturday, April 24th, / to / Monday, May 3d, 1779. / 8°. pp. 16.

293. * / Saturday, May 1st, / to / Monday, May 10th, 1779. / 8°. pp. 15.

294. * / Monday, May 10th, / to / Saturday, May 15th, 1779, / inclusive. / 8°. pp. 15.

295. * / Monday, May 17th, / to / Saturday, May 22d, 1779, / inclusive. 8°. pp. —.

296. * / Monday, May 24th, / to / Saturday, May 29th, 1779, / inclusive. / 8°. pp. 20.

297. * / Monday, May 31st, / to / Saturday, June 5th, 1779, / inclusive. / 8°. pp. 15.

298. * / Monday, June 7th, / to / Saturday, June 12th, 1779, / inclusive. / 8°. pp. 19.

299. * / Monday, June 14th, / to / Saturday, June 19th, 1779, / inclusive. / 8°. pp. 10.

300. * / Monday, June 21st, / to / Saturday, June 26th, 1779, / inclusive. / 8°. pp. 13.

301. * / Monday, June 28th, / to / Saturday, July 3d, 1779, / inclusive. / 8°. pp. 15.

302. * / Monday, July 5th, / to / Saturday, July 12th, 1779, / inclusive. / 8°. pp. 7.

303. * / Monday, July 12th, / to / Saturday, July 17th, 1779, / inclusive. / 8°. pp. 10.

304. * / Monday, July 19th, / to / Saturday, July 24th, 1779, / inclusive. / 8°. pp. 14.

December 3—Continued.

305. * / Monday, July 26th, / to / Saturday, July 31st, 1779, / inclusive. / 8°. pp. 16.

With this issue the imprint was changed to "Philadelphia: / Printed by David C. Claypoole, / Printer to the Honorable Congress," and so remained for the rest of the series.

306. * / Monday, August 2d, / to / Saturday, August 7th, 1779, / inclusive. / 8°. pp. 11.

307. * / Monday, August 9th, / to / Saturday, August 14th, 1779, / inclusive. / 8°. pp. 10.

308. * / Monday, August 16th, / to / Saturday, August 21st, 1779, / inclusive. / 8°. pp. 13.

309. * / Monday, August 23d, / to / Saturday, August 28th, 1779, / inclusive. / 8°. pp. 14.

310. * / Monday, August 30th, / to / Saturday, September 4th, 1779, / inclusive. / 8°. pp. 12.

311. * / Monday, September 6th, / to / Saturday, September 11th, 1779, / inclusive. / 8°. pp. 10.

312. * / Monday, September 13th, / to / Saturday, September 18th, 1779, / inclusive. / 8°. pp. 22.

313. * / Monday, September 20th / to / Saturday, September 25th, 1779, / inclusive. / 8°. pp. 9.

314. * / Sunday, September 26th, / to / Saturday, October 2d, 1799, / inclusive. / 8°. pp. 11.

315. * / Monday, / October 4th, / to / Saturday, October 9th, 1779, / inclusive. / 8°. pp. 11.

316. * / Monday, October 11th, / to / Saturday, October 16th, 1779, / inclusive. / 8°. pp. 8.

317. * / Monday, October 18th, / to / Saturday, October 23d, 1779, / inclusive. / 8°. pp. 12.

318. * / Monday, October 25th, / to / Saturday, October 30th, 1779, / inclusive. / 8°. pp. 13.

December 3—Continued.

319. * / Monday, November 1st, / to / Saturday, November 6th, 1779, / inclusive. / 8°. pp. 7.

320. * / Monday, November 8th, / to / Saturday, November 12th, 1779, / inclusive. / 8°. pp. 11.

321. * / Monday, November 15th, / to / Saturday, November 20th, 1779, / inclusive. / 8°. pp. [19].

322. * / Monday, November 22d, / to / Saturday, November 27th, 1779, / inclusive. / 8°. pp. 25.

323. * / Monday, November 29th, / to / Saturday, December 4th, 1779, / inclusive. / 8°. pp. 12.

324. * / Monday, December 6th, / to / Saturday, December 11th, 1799, / inclusive. / 8°. pp. 10.

325. * / Monday, December 13th, / to / Saturday, December 18th, 1779, / inclusive. / 8°. pp. 12.

326. * / Monday, December 20th, / to / Friday, December 31st, 1779, / inclusive. / 8°. pp. 16.

327. Journals / of / Congress. / Containing / the / Proceedings / from January 1, 1779, to January 1, 1780. / Published by Order of Congress. / Volume V. / Philadelphia: / Printed by David C. Claypoole. / M, DCC, LXXXII. 8°. pp. 464, (15), lxxiv.

In the first issue of this volume pages 25 and 28, and 29 and 32, backed each other and were duplicated. There were no pages 26, 27, 30 and 31. These errors are corrected in most copies. The Appendix is an account of the "Expenditures for the year 1779."

On June 19, 1779, the Board of War sent to General Washington three sets of printed Journals, volumes 1–3; the resolves from January to December, 1777, in sheets, and three sets "loose for Mar. and April, 1779, being all that are printed."

At the end of October the Commissioners of Accounts laid before Congress the following report:

CHAMBER OF ACCOUNTS,
Philadelphia, October 30, 1779.

The Commissioners report,

That they have examined the account of David C. Claypoole, and from the best information they have been able to procure from other Printers, as to the different prices charged for Printing done by him; they find that he has over-

December 3—Continued.

charged in almost every article, but still they are at a loss how to settle the account, and can only give it as their opinion, that the Public would get their Printing Business done better and at a much cheaper rate, should the Honorable Congress authorise the Committee appointed to superintend the Press, or any other Person or Persons, to receive written proposals from the different Printers every three Months, or any other limited time: and the preference given to the most reasonable. In the meantime they beg leave to recommend that there should be advanced to David C. Claypoole, Twelve thousand Dollars on account, until said proposals shall be given in, from which the Commissioners expect they will be enabled to do justice to the Public and the Claimant.

They have likewise examined the account of Styner & Cist for printing a Circular Letter in German, and finding their charge extravagant beg leave to recommend that two hundred Dollars should be advanced to them on account until some method be fixed on to enable the Commissioners to settle such accounts with certainty.

Wm. Govett,
John D. Mercier.

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